

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

CHRISTOPHER CANTWELL

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1:20-cr-6-01-PB

September 15, 2020

9:32 a.m.

TRANSCRIPT OF JURY SELECTION  
BEFORE THE HONORABLE PAUL J. BARBADORO

Appearances:

For the Government:

John S. Davis, AUSA

Anna Z. Krasinski, AUSA

United States Attorney's Office

For the Defendant:

Eric Wolpin, Esq.

Jeffrey S. Levin, Esq.

Federal Defender's Office

Court Reporter:

Liza W. Dubois, RMR, CRR

Official Court Reporter

1 P R O C E E D I N G S

2 CASE MANAGER NEGRON: Court is in session and has  
3 for consideration jury selection in the United States of  
4 America vs. Christopher Cantwell, criminal case number  
5 20-cr-6-PB.

6 THE COURT: So I want to confirm for you that the --  
7 the audio and video in the other courtrooms have been turned  
8 off, so none of the jurors are hearing what we are doing now.  
9 Okay?

10 The government has a motion to dismiss one of the  
11 counts. I just wanted to make sure that there's no objection  
12 to that and I can go ahead and grant the motion.

13 Is there any objection to the motion?

14 MR. WOLPIN: No, your Honor. We take no position.

15 THE COURT: All right. So then I will grant the  
16 motion to dismiss Count Two; and that leaves Counts One, Three,  
17 and Four.

18 MR. DAVIS: We'll substitute, your Honor, if that's  
19 appropriate, an indictment that just says One, Two, Three.

20 THE COURT: Yeah, we'll do a redaction. That's the  
21 ordinary way that I do this.

22 I wanted to talk to the -- to counsel about how much  
23 detail they want me to provide about the charges. I don't  
24 ordinarily read the charges to the jurors, but if you are --  
25 I'm -- I -- in order for them to know more than the name and

1 the charge, I would need to inform the jurors of the nature of  
2 the charge and I'm happy to read the charge at the outset  
3 before I begin to ask the questions you want me to ask about  
4 it.

5 Do the parties have a view about that particular  
6 issue?

7 MR. WOLPIN: Your Honor, I -- I think, from our  
8 perspective, the charge -- I'd rather the jury not spend the  
9 next week, since we we're not starting tomorrow, with the  
10 contents of the charge. The charge includes basically  
11 everything negative about -- that we could say about our client  
12 without the rebuttal at that point. I think the Court can  
13 make -- we would ask the Court read, certainly, what the nature  
14 of the charges is and that --

15 THE COURT: Well, I can -- excuse me. I'm concerned  
16 about me selecting what to tell them rather than you -- if you  
17 don't want me to read it, I'm happy to just say he's been  
18 charged in Count One with extortionate interstate  
19 communications and in Count Three he's been charged with this  
20 and in Count Four he's been charged with -- so I'll just call  
21 it the first count, the second count, and the third count and  
22 just list the charge and then the on or about date specified in  
23 the charge, but not tell them anything more about the charge.

24 But I want to be sure you're okay with that, because  
25 you want me to ask them do you know anything about the case.

1 But if I don't tell them anything about the case, then they'll  
2 only know his name and the approximate date and the charge.  
3 And you're fine with that?

4 MR. WOLPIN: Yes, your Honor.

5 THE COURT: Okay. Good. I wanted to be sure about  
6 that.

7 MR. WOLPIN: Thank you.

8 THE COURT: All right. So let's address the -- the  
9 elephant in the room here, in my view, as far as voir dire is  
10 how should we deal with any defendant victim -- alleged victim  
11 or witness who has espoused white nationalist views. And  
12 that's a challenge for the defense; it's a challenge for the  
13 government; it's a challenge for me.

14 I guess my initial thought about that is that as far  
15 as I can see, anyone's views about white nationalism plays no  
16 role in the nature of the charge against Mr. Cantwell. He  
17 can't be found innocent or guilty in whole or in part based on  
18 his white nationalist views, if he has them; on the alleged  
19 victim's white nationalist views, if they have them; and on any  
20 witnesses' white nationalist views, if they have them.

21 Does anybody disagree with that proposition?

22 MR. DAVIS: No.

23 MR. WOLPIN: Not as a starting point, no.

24 THE COURT: Okay. So I -- I would -- I'm wondering  
25 how you would feel about me, when I ask them your question

1 about white nationalism; to tell them right up front a person's  
2 views about white nationalism plays no role in the guilt or  
3 innocence of Mr. Cantwell. His views on that subject, the  
4 alleged victim's views on that subject, the defendant's view,  
5 plays no role in the guilt or innocence of Mr. Cantwell and you  
6 can't consider that in determining the guilt or innocence of  
7 Mr. Cantwell.

8 Will any of you be unable to follow that  
9 instruction? I'm going to ask some of your other questions on  
10 that subject as well, but to me that's the starting point.  
11 Because if people have trouble separating out anyone's views  
12 on white nationalism from the evidence in the case and that  
13 they -- that might affect their thinking about Mr. Cantwell's  
14 guilt or innocence, I'm going to have a problem with that and I  
15 imagine the lawyers would as well.

16 Do you have any problem with me addressing that  
17 subject in that particular way as well as asking some of the  
18 other questions that you have?

19 MR. WOLPIN: I'm trying to reconcile -- I do  
20 think -- although I agree ultimately with the proposition, it  
21 is going to be discussed as relevant evidence that will have a  
22 bearing on credibility and things like that as far as that  
23 being a thing that gets us there. It's not because it's white  
24 nationalism. But I'm a little concerned that that basically  
25 tells them that's entirely irrelevant when that's true to some

1 extent, but it's also going to have relevance for other  
2 purposes. It's kind of like when you give a limiting  
3 instruction: I understand it can't be used for X, but it  
4 can be used for Y, it will have relevance as far as an  
5 alternative --

6 THE COURT: Well, tell me, for what purpose does  
7 someone's white nationalism views affect Mr. Cantwell's guilt  
8 or innocence? I'm having trouble seeing it. I think you have  
9 a defense, which I understand and want to give you a full  
10 opportunity to present, that context is everything here and the  
11 nature of the interactions among the parties is of vital  
12 importance in evaluating what the charges are here. And that's  
13 entirely appropriate and I want to give you full rein to do  
14 that.

15 On the other hand, I don't want anybody on the  
16 juror -- jury who has views about white nationalism that are so  
17 strongly held that they could spill over and help them find  
18 Mr. Cantwell guilty or not guilty because of his views, because  
19 of the alleged victim's views, or because of any witness's  
20 views. That's what I'm trying to reconcile.

21 And so I'm happy to -- I'm going to give you full  
22 rein to produce evidence about context here, but I want to weed  
23 out from the jury people who have views about white nationalism  
24 one way or the other that are -- that are so strongly held that  
25 they could affect their thinking. And that's what I'm trying

1 to get at.

2 So if I make -- give you the assurance that I will  
3 give you wide scope to -- to produce your context-relevant  
4 defense, are you comfortable with me addressing that subject in  
5 that way in the voir dire?

6 MR. WOLPIN: Yes. And I think we have all  
7 ultimately the same goal on that end. I'm not trying to reach  
8 a different end.

9 THE COURT: All right.

10 MR. WOLPIN: So yes.

11 THE COURT: Let's -- if you -- you listen to what  
12 I'm proposing and before I begin asking for individual jurors'  
13 responses, if you want to ask me to supplement anything I'm  
14 doing, you -- I'll give you that opportunity to be heard. We  
15 can put the headsets on and you can raise, you know, a nuanced  
16 kind of point, could you also do this, could you do that, and  
17 I'll consider it carefully because this is a -- I think we  
18 would all acknowledge this is the challenging part of this voir  
19 dire.

20 Because I want to be clear it's not my view that  
21 because someone puts a Black Lives Matter sign in their front  
22 lawn or that they, say, put a Blue Lives Matter sign in their  
23 front lawn or that they're a member of a militia group doesn't  
24 automatically justify excusing them. It may require some  
25 further discussion with the juror, but it isn't a per se basis

1 for recusal.

2 On the other hand, someone who says, look, I hate  
3 white nationalism so much that anybody who espouses those views  
4 I just can't tolerate, we need to get those people off the jury  
5 quick. That's my -- that's my thinking. Okay?

6 So I'll try to do it the way I think it works and if  
7 you need to ask me to supplement or modify something I've said,  
8 I'll give you that chance and I'll be open to hearing what you  
9 have to say. Okay?

10 MR. DAVIS: And may I just suggest, Judge, that a  
11 question phrased about whether the juror could -- could be  
12 partial or impartial may be appropriate.

13 THE COURT: Yeah. Well, I'm going to ask  
14 effectively would you have any difficulty in following this  
15 instruction that it plays no role in your deliberations.

16 So you listen to what I do and if you think it's a  
17 particular problem, I'm very willing to modify what I am  
18 proposing. All right? Because I recognize this is a  
19 challenging subject for the lawyers in this case, how to --  
20 everybody agrees in principle with the proposition that anyone  
21 is free to hold whatever views they want on this subject and it  
22 doesn't affect their guilt or innocence of a crime and we don't  
23 want that to affect someone's view of their guilt or -- of the  
24 defendant's guilt or innocence of the crime.

25 On the other hand, context really does matter here



1 for the defense the defense wants to put on and so -- and we  
2 just can't -- we can't eliminate the white nationalism problem  
3 from this case. It is -- it just -- it's -- the whole milieu  
4 is a milieu that's affected by white nationalism, so the  
5 evidence is going to -- it's going to come in in order to be  
6 able to allow the government to tell the story and the  
7 defendant to put on his defense.

8 All right? So any further suggestion before we  
9 begin the -- bring the jury in and get started?

10 I also will tell you I hope you will understand I  
11 will be reminding you throughout the trial if I see issues  
12 about social distancing or things like that. I may gently kind  
13 of chide you. Let's make your best efforts to try to really  
14 respect all of our guiding principles here. And we'll get  
15 through the jury selection and then afterwards we can do some  
16 talking about a couple of issues that may come up during the  
17 trial. Okay?

18 MR. LEVIN: Can I just -- on that last subject, your  
19 Honor, just say that beyond the ideology, there's language  
20 that's going to be used in front of the jury in this case  
21 that's -- that I think is important to sort of highlight for  
22 the jurors that you're going to hear these words, these -- this  
23 terminology that may be offensive to you. It's not just about  
24 an ideology. It's about a whole language.

25 THE COURT: I understand. That's one of the reasons

1 I was thinking about reading the charges. But I'll do  
2 something about offensive language, you'll remind me if I  
3 don't, and I'll ask a question about that, whether that will be  
4 so difficult for you that you -- it could affect your ability  
5 to be fair and impartial, something along those lines.

6 Okay. I'm satisfied. Thank you. And I appreciate  
7 everybody's effort to try to make this process work.

8 So we can -- we're going to pause because we have to  
9 reconnect the various courtrooms and then we'll begin the --  
10 and bring the 16 jurors in who'll be here first.

11 (Prospective jurors entered the courtroom.)

12 CASE MANAGER NEGRON: Court is in session and has  
13 for consideration jury selection in United States of America  
14 vs. Christopher Cantwell, criminal case number 20-cr-6-01-PB.

15 THE COURT: All right. Good morning. For those of  
16 you in the courtroom with me now, good morning to you, and  
17 those of you watching in other courtrooms, good morning to all  
18 of you.

19 Let me begin by thanking you for your service. Even  
20 in the best of times, jury service is a sacrifice. I know that  
21 all of you have busy lives. You have jobs, you have people  
22 that you care for, you have things that you need to do in your  
23 life, and we are taking you away from that. And I want you to  
24 know that we really do appreciate the sacrifice that you're  
25 making.

1           These are obviously unusual times and the sacrifice  
2 is even greater here. We have to have you wearing -- sitting  
3 and wearing masks and it takes us a little longer than normal  
4 to pick a jury here. So I understand the sacrifice that you've  
5 made. It's a commitment and I -- I really do appreciate it.

6           Before I begin with my ordinary voir dire, let me  
7 address the COVID-19 pandemic and talk to you a little bit  
8 about how that affects the jury selection process and the trial  
9 here.

10           Fortunately, we have a big beautiful courthouse here  
11 at the federal court. We have lots of space. And we limit the  
12 number of people coming into the courthouse and we carefully  
13 think through how we use that space so that we can maintain  
14 social distancing so that we can bring only limited number of  
15 people into the courtroom at any one time and yet still conduct  
16 this important process of jury selection.

17           I can tell you that we are also blessed with a  
18 modern courthouse with a very effective ventilation system that  
19 allows us to filter the air and bring in good quantities of  
20 fresh air.

21           During the trial process, we will be maintaining  
22 social distancing. We have people who will be going around  
23 during the course of the trial, you'll see people who are --  
24 their job is to sanitize areas where people may be touching.  
25 If you are picked for the jury in this case, this room will

1 become your jury deliberation room. During breaks, during  
2 deliberation, you will come in here and have this nice large  
3 space in which the jurors can remain comfortable during the  
4 course of the breaks and deliberations.

5 We will be bringing in lunch for you so that you  
6 don't have to go out and get your lunch on your own. We'll  
7 have -- we have space in an outdoor courtyard where you can  
8 have lunch. We'll give you opportunities to have a break if  
9 you need one, during breaks, to go outside and take the mask  
10 off for a few minutes.

11 We have thought this process through very carefully  
12 and we have a very well trained, experienced staff who know how  
13 to conduct these trials with the utmost safety. And so I will  
14 do everything I can during this process to make you feel  
15 comfortable, to make you feel safe and secure. And we're just  
16 very fortunate that we can hold trials in such a great  
17 courthouse with so much space in which to allow us to get this  
18 job done. So thank you, and I assure you that we'll do  
19 everything we can to make this process safe and effective.

20 And I want to tell you, although jury service is a  
21 sacrifice, it's also one of the few opportunities most of you  
22 will ever have to really serve the broader society. The  
23 framers of the Constitution have included a constitutional  
24 right to a trial by jury. They put their faith in the people  
25 to make sure that the government is fair with individuals who

1 are brought to trial. And without this service by you, we  
2 could not give people the constitutional right that they're  
3 entitled to. So it's very important that you bear in mind that  
4 you are serving an important function here and that opportunity  
5 to serve is rewarding.

6 I speak to almost every jury that I've had over the  
7 28 years I've been on the court and after the trial's over,  
8 almost without exception jurors tell me that they find that  
9 experience to be very rewarding and they're glad that they had  
10 the opportunity to serve. And I think you'll find that in this  
11 case as well. So it is a sacrifice, but it's also an  
12 opportunity, and I hope that you'll look at that.

13 All right. Let me proceed with a series of  
14 questions. I think the -- you've already heard something about  
15 the way this process works, but you have been randomly selected  
16 to come in for jury service and you -- we have also drawn your  
17 names randomly so that this is how you're being brought into  
18 the courthouse. So there are 16 of you here now that were  
19 chosen randomly and then the next group is chosen right down  
20 through everybody on the jury service.

21 I'm going to ask questions to you and if your answer  
22 to any of my questions is yes or if you have any other concern  
23 that you might need to talk to me, you need to make a mental  
24 note of it. Okay? Because what we're going to do is I'm going  
25 to ask questions to all of you and all of the courtrooms as a

1 group. And then when we're done with that, we're going to  
2 start with the 16 of you that are in this courtroom with me and  
3 we're going to go through one at a time and ask you if you have  
4 anything that you need to talk to me about based on my  
5 questions or any other concerns that you have.

6 And you'll be given an opportunity, if you need  
7 to -- you don't have to talk to me. I won't be offended if you  
8 don't. But if you do need to talk to me or if your answer to  
9 any of my questions is yes, you'll be given an opportunity to  
10 do that privately. You'll be given a headset and you'll put  
11 the -- the -- the headphones on and I will be able to speak to  
12 you. The lawyers and the defendant will be able to listen in  
13 and we will hear your concern and I will make a decision as to  
14 whether you should be excused or not.

15 So we'll -- I'll start by asking the questions. I  
16 then will take your individual questions and I'll begin a  
17 process of determining who should be excused for cause.

18 If you are qualified, you will be taken into another  
19 courtroom to wait temporarily while I complete that process.  
20 If you are excused, you'll follow the instructions of the jury  
21 administrator as to what to do at that point. We will then  
22 bring in new jurors from the other courtrooms where people have  
23 been listening to the voir dire and we will repeat that process  
24 until we have enough jurors who are qualified.

25 At that point we will excuse those who are not --

1 who are not qualified, we'll bring the qualified jurors back  
2 in, the lawyers will exercise their peremptory challenges, and  
3 we'll be done for the day. So that's basically the way the  
4 process works.

5           Why are we doing this? What is voir dire all about?  
6 It's -- it really has three purposes. One is for you, as  
7 potential jurors, to search your own mind and conscience and  
8 ask yourself whether you could be fair and impartial if you  
9 were picked as a juror. Because if you don't think you could  
10 be fair and impartial, I need to hear about it. I need to talk  
11 to you about that. All right? So the first function of this  
12 jury selection process is to make sure that you're confident  
13 that you could be fair and impartial.

14           The second purpose of jury selection is to give me  
15 an opportunity to exercise challenges that are -- challenges  
16 for cause; that is, some legal reason why you are not able to  
17 sit.

18           And then the third purpose of jury selection is to  
19 give the lawyers a limited opportunity to exercise peremptory  
20 challenges; that is, a certain number of challenges that they  
21 can exercise to a potential juror for any reason or no reason.  
22 All right?

23           So bear that in mind, and I'm going to ask you a  
24 list of questions. Keep in mind if your answer is yes to any  
25 of the questions I have asked, you need to make a note of it so

1 you can raise it with me when your name is called. Or if you  
2 have any other concern when your name is called, I would need  
3 to talk to you individually.

4 All right. So this is a criminal case. The  
5 defendant is Christopher C. Cantwell. There are three charges  
6 that have been brought against Mr. Cantwell. The first charge  
7 is that he committed the crime of extortionate interstate  
8 communications on or about June 16th, 2019, in the District of  
9 New Hampshire and elsewhere; the second charge is that he  
10 committed the crime of threat to injure property, person, or  
11 reputation on or about June 15th and on or about June 17th in  
12 the District of New Hampshire and elsewhere; and the third  
13 charge is he committed the crime of cyberstalking between --  
14 in or about June 15th and June 17th in the District of  
15 New Hampshire and elsewhere.

16 Now, I want you to understand something right up  
17 front. And this is very important. The defendant has pleaded  
18 not guilty to these charges. All defendants in criminal cases  
19 are presumed to be innocent until proven guilty beyond a  
20 reasonable doubt. The charge here, called an indictment, is  
21 merely a formal means of accusing a person of a crime in order  
22 to bring that person to trial. However, the indictment does  
23 not constitute any evidence of the guilt of any defendant nor  
24 should you draw any inference from the fact that an indictment  
25 has been returned against the defendant.



1           The defendant has pleaded not guilty, he's entitled  
2     to the presumption of innocence throughout the trial, and that  
3     presumption alone is sufficient to justify a verdict of not  
4     guilty unless and until the government overcomes that  
5     presumption by proving the defendant's guilt beyond a  
6     reasonable doubt.

7           Will any of you be unable to follow the instruction  
8     I've just given you regarding the presumption of innocence and  
9     the burden of proof being on the defendant -- on the  
10    government, excuse me, to prove guilt beyond a reasonable  
11    doubt?

12          Now I'd like to have the parties introduce  
13    themselves. I'll begin with the prosecutor. Please identify  
14    yourself and also anybody who will be -- the United States  
15    Attorney and anybody who will be sitting with you at counsel  
16    table or in the courtroom during the trial.

17          MR. DAVIS: Good morning. I'm John Davis. I'm an  
18    Assistant United States Attorney. With me at the trial will be  
19    my colleague Anna Krasinski, who's also an Assistant  
20    United States Attorney. Also with us are the case agent Shayne  
21    Tongbua and our paralegal on the case who is Ruth Sheff.

22          That's our trial team, Judge.

23          THE COURT: Thank you. And I'd like defense  
24    counsel, please introduce yourselves, your client, and anybody  
25    who will be sitting with you at counsel table or present during

1 the trial.

2 MR. LEVIN: Good morning. My name is Jeff Levin.  
3 With me is Eric Wolpin. We're attorneys practicing here in  
4 Concord. It's our privilege to represent Christopher Cantwell,  
5 who's the gentleman in the blue shirt. We -- with us will be  
6 also a -- our assistant during trial, J. Arsenault, who's  
7 from -- also from here in Concord. Thank you.

8 THE COURT: All right. Thank you, counsel.

9 So I'd ask you, do you know any of these  
10 individuals? Do you know the United States Attorney or any of  
11 the prosecutors, any of defense lawyers? Do you know the  
12 defendant? Are you related to any of these individuals? Do  
13 you know them in any way?

14 I think you know from the voir dire questions we  
15 sent you that this trial is set to start on September 22nd and  
16 should end on or about September 30th. Does the scheduling of  
17 this trial present a problem for you? And let me explain what  
18 that -- I mean by that.

19 It's always inconvenient to have to come to trial  
20 for a few days, and everybody's busy. Unfortunately, I can't  
21 excuse you just because you're busy. CEOs of corporations,  
22 teachers, nurses, doctors, lawyers, are all busy, but they  
23 don't get excused just because they're busy. It would be  
24 unfair to the people in this courtroom if I were to excuse  
25 people too lightly because if I excuse you when your name is

1 called, that means somebody else has to step up and assume the  
2 responsibility that would otherwise be yours. So I owe it to  
3 all of you to be fairly tough about excusing people based on  
4 scheduling conflicts.

5           However, if you have a doctor's appointment that you  
6 can't easily change, if you have travel plans that cannot  
7 easily be changed, if you have something extraordinarily  
8 important going on and unusual in your work that would be a  
9 significant sacrifice if you were absent, those are the kinds  
10 of things that I would consider as possible reasons for  
11 excusing somebody based on inconvenience.

12           Some of you have -- you're the sole caregiver for  
13 young children who might not be going to school right now or  
14 who have an elderly person that you're caring for and no one  
15 else can sit in and do that job for you when you're gone. I  
16 would consider that as a possible excuse. It's something along  
17 those lines that I would need to hear from you based on  
18 inconvenience.

19           So with that in mind, does the scheduling of this  
20 case pose some kind of significant inconvenience for you?

21           Are you employed by or do you employ any party in  
22 this case? With respect to the United States Government, do  
23 any of you or any of your immediate family work for the United  
24 States Government at the present time or have any of you or any  
25 of your immediate family worked for the United States

1 Government at any time, except for military service?

2 Have you had, do you have, or do you anticipate  
3 having any case or dispute with or claim against the United  
4 States Government?

5 I'm going to ask the clerk to read a list of  
6 potential witnesses. Not everybody on this list will be  
7 called, but listen to the names because in the end, I'm going  
8 to ask you a question if you know these people.

9 CASE MANAGER NEGRON: Karl Acker, Cameron Davis,  
10 Ingrid Dean, Brett Fernald, Katelen Fry, Michael Gibeley, Casey  
11 Gilmore, James Klingenberg, Kevin LeBlanc, Ben Lambert, Pam  
12 Lambert, Sandy Miller Bauer, J. Arsenault, Sean Saulsbury, Nick  
13 Nathans, Paul Nehlen, Keri Peters, Sara E. Smith, Khahilah  
14 Tennell, and Shayne Tongbua.

15 THE COURT: Do you know any of these individuals,  
16 members of the jury panel?

17 Have you or any member of your immediate family or  
18 any close friend ever been employed by or done volunteer work  
19 for any law enforcement agency at the local, state, or federal  
20 level, including military service that involved a law  
21 enforcement-related activity?

22 Have you ever served as a juror in a criminal or  
23 civil case or as a member of a grand jury either in the federal  
24 or state courts at any time other than your services as a juror  
25 in this court at this time?

1           Have you at any time been involved in a criminal  
2 matter in any court that concerned yourself or any member of  
3 your immediate family, either as a defendant, a witness, or a  
4 victim?

5           Are you aware of any prejudice which might affect  
6 your verdict in this case?

7           Have you directly or indirectly given an opinion or  
8 formed an opinion in the case?

9           Do you know anything about the case or have you  
10 advised or assisted in its preparation?

11           Have you read anything in the newspapers about the  
12 case? Have you heard anything on the radio or have you seen  
13 anything on television about this case?

14           Do you have any special disability or problem that  
15 would make it difficult, impossible, or physically  
16 uncomfortable for you to serve as a member of the jury?

17           Some people have disabilities that -- and we can try  
18 to accommodate your disability if you want to serve. But if  
19 you have trouble hearing or you have trouble seeing and you  
20 think that could affect your ability to fulfill your  
21 responsibilities as jurors, that's the kind of thing I would  
22 need to know. Or if you have some other kind of disability  
23 that you think could affect your ability to serve as a juror in  
24 this case, I would need to -- I would need to know about that.

25           I want to address the presumption of innocence issue

1 again with you. Do you believe that because the defendant has  
2 been charged with a crime that he is probably guilty and  
3 therefore, must present evidence to prove that he is innocent?  
4 If you have such a belief, would that belief prevent you from  
5 accepting from the Court and applying to this case the correct  
6 formulation of the law; that is, that a defendant is presumed  
7 innocent until proven guilty, that the government has the  
8 burden of proving the defendant guilty beyond a reasonable  
9 doubt, and that the defendant need present no evidence  
10 whatsoever on his or her own behalf?

11 Do any of you hold the belief that because a witness  
12 is employed by law enforcement at the federal, state, or local  
13 level that the testimony of such a witness is more worthy of  
14 belief than that of a witness not so employed? Put another  
15 way, would the mere fact that a witness is a law enforcement  
16 officer cause you to give more or less credit to his or her  
17 testimony than that of other witnesses simply because he or she  
18 is a law enforcement officer?

19 Do you know of any good and sufficient reason why  
20 you cannot sit and hear the evidence in this case and render a  
21 true and honest verdict under your oath according to the facts  
22 as you will find them to be and the law as the Court will give  
23 it to you?

24 Do you know of any reason why you cannot serve on  
25 this case?

1 I -- I'll tell you just a little bit more about  
2 Mr. Cantwell. The defendant hosts an online radio program.  
3 Are you familiar with Christopher Cantwell from his radio  
4 program or from any other news source?

5 Have you heard the charges -- are you familiar with  
6 the facts of this case -- or excuse me. Having heard the  
7 charges, are you familiar with the facts of this case?

8 Let me address the COVID-19 pandemic. I want to be  
9 sure that if you're picked as a juror that there's nothing  
10 about the COVID-19 pandemic that will affect your ability to be  
11 fair and impartial and to evaluate the evidence in this case as  
12 it comes in and deliberate as a juror towards reaching a just  
13 verdict in this case. So is there anything about the fact that  
14 we are living at the present time through a COVID -- the  
15 COVID-19 pandemic that could affect in any way your ability to  
16 be a fair and impartial juror? Would you feel pressure to  
17 reach a verdict quickly to avoid exposure to COVID-19?

18 Do you have children? If so, do the arrangements  
19 for children for the -- excuse me. If you have children, do  
20 you have arrangements for child care for the entirety of the  
21 expected length of the trial?

22 Now, you may hear evidence that the defendant, the  
23 alleged victim, and/or witnesses participated in different  
24 factions of what's sometimes called the alternative right,  
25 sometimes called the alt-right, or sometimes called the white

1 nationalist political movement. If you are familiar with this  
2 movement, do you have any bias against or in favor of those who  
3 have participated in this movement?

4 Let me tell you, the defendant in this case is  
5 charged with certain crimes. I've identified those crimes for  
6 you. The issue in this case is whether the government can  
7 prove beyond a reasonable doubt that the defendant is guilty of  
8 those crimes or not. Whether the defendant has white  
9 nationalist views, whether the alleged victim has white  
10 nationalist views, and whether witnesses have white nationalist  
11 views have nothing to do with whether the defendant is guilty  
12 or innocent of the charges against him and his -- his beliefs  
13 or the beliefs of victims or witnesses cannot play any role in  
14 your deliberations on these charges.

15 Now, you will hear evidence of context about the  
16 interactions between these individuals and you can certainly  
17 consider that evidence in evaluating the charges against the  
18 defendant, but you can't find the defendant guilty or not  
19 guilty based on the alleged white nationalist views that that  
20 defendant may have or the alleged white nationalist views that  
21 a victim may have or the alleged white nationalist views that a  
22 witness may have.

23 Will any of you be unable to follow these  
24 instructions? And that's very important. If you have some  
25 concern about your ability to be fair and impartial given the



1 fact that this case may involve evidence about white  
2 nationalist views, I need to know about that.

3 I should also advise you that this case is -- you're  
4 going to hear some very strong and explicitly -- explicit  
5 language in this case. So if that becomes a problem, if that's  
6 going to be a problem for your ability to sit and be a fair and  
7 impartial juror, I need to -- I need to know about that.

8 Are you a member or supporter of any group that  
9 campaigns for or against racial, ethnic, gender, or religious  
10 equality, something like Black Lives Matter, NAACP,  
11 Antidefamation League, an immigrant rights group or feminist  
12 group?

13 Do you have views of those subjects which could  
14 affect your ability to be fair and impartial?

15 Are you able to afford -- excuse me.

16 Will you -- will you be unable to afford the  
17 defendant the same presumption of innocence as any other  
18 defendant if you learned that he was involved in the alt-right  
19 movement?

20 Are you unable to consider his case, as you must,  
21 without bias, prejudice, sympathy, or fear if you learned that  
22 he was involved in the white nationalist movement?

23 Does counsel need to talk to me with respect to any  
24 other voir dire?

25 MR. DAVIS: No, Judge.

1 MR. LEVIN: No, your Honor.

2 THE COURT: All right. Thank you. So what we'll  
3 begin doing now is asking the jury administrator to canvas each  
4 of you. If you need to speak with me, you will be given a  
5 headset and we'll whisper to each other so that other people  
6 won't have to hear what you're saying and I'll make a decision  
7 after consulting with counsel, if necessary.

8 THE JURY ADMINISTRATOR: Juror number 1, Mr. Bonnin,  
9 does not have any issues.

10 THE COURT: All right.

11 CASE MANAGER NEGRON: Juror's qualified.

12 THE COURT: And are you going to take him into the  
13 other room now?

14 THE JURY ADMINISTRATOR: Yes, your Honor.

15 THE COURT: Thank you, sir. We'll get back to you  
16 as soon as we can.

17 THE JURY ADMINISTRATOR: Juror number 2 does not  
18 need to address the Court.

19 THE COURT: Thank you, ma'am. You can follow our  
20 instructions and we'll bring you back in in a few minutes.

21 CASE MANAGER NEGRON: Juror's qualified.

22 THE JURY ADMINISTRATOR: Juror number 4, Mr. Fritz,  
23 will approach.

24 THE COURT: All right.

25 So, Mr. Cantwell, you can put the headset on.

1 AT SIDEBAR

2 THE JURY ADMINISTRATOR: You'll have to bend over.  
3 I apologize.

4 THE COURT: Good morning, sir. Go ahead.

5 THE JUROR: I think most far left groups are like  
6 terrorist organizations.

7 THE COURT: All right. These -- this is such a  
8 powerful microphone, I don't even think you'll need to lean in.

9 THE JUROR: All right.

10 THE COURT: So you have views about far left groups,  
11 that they're terrorist organizations.

12 THE JUROR: Yes, sir.

13 THE COURT: And how do you think that could affect  
14 your ability to be fair and impartial in this case, if at all?

15 THE JUROR: I'm not a hundred percent sure, but I --  
16 that's just my view.

17 THE COURT: Okay. Let me follow up and ask about  
18 that.

19 So there will be a number of witnesses in this case,  
20 the alleged victim in this case and perhaps the defendant in  
21 this case, who are members of alt-right groups. How could that  
22 affect your thinking as a juror?

23 THE JUROR: I just think politics in general are  
24 affecting a lot of things in society.

25 THE COURT: I apologize for that screaming sound.

1           Okay. Do you think you could -- are you confident  
2   you could be fair and impartial if you were picked as a juror  
3   in this case?

4           THE JUROR: No.

5           THE COURT: You're not confident?

6           THE JUROR: No.

7           THE COURT: You think it could affect your ability  
8   to be fair and impartial?

9           THE JUROR: Uh-huh.

10          THE COURT: All right. I understand and appreciate  
11   your comments.

12          I -- does counsel -- my -- I propose to excuse the  
13   juror. If anybody objects, let me know.

14          MR. DAVIS: No objection, Judge.

15          THE COURT: All right.

16          MR. LEVIN: I just want to make sure I'm using this  
17   the right way. Is that -- can you hear me?

18          THE COURT: I can hear you.

19          MR. LEVIN: I'm not -- I'm not entirely sure this  
20   gentleman understands what the --

21          THE COURT: Why don't --

22          MR. LEVIN: -- the Court's instructions were  
23   that you're -- were that --

24          THE COURT: Why don't I do this. Why don't I let  
25   you ask some follow-up questions.

1 MR. LEVIN: Okay. Sir, the judge, in -- as part of  
2 his questions, instructed that views on politics are not  
3 relevant to guilt or innocence. So I understand you have some  
4 views on left wing groups and views on politics in general.  
5 The judge has indicated that a person's views on politics are  
6 irrelevant as to the guilt or innocence of the defendant.

7 Could you be fair and impartial and listen to the  
8 evidence based on that and put your ideas about politics aside?

9 THE JUROR: No.

10 MR. LEVIN: Okay. Can you explain why?

11 THE JUROR: I just think that in general this  
12 political atmosphere that we've been in this whole year has  
13 just affected a lot of people.

14 CASE MANAGER SACKOS: He needs to whisper a little  
15 more, Judge.

16 THE COURT: Just try to whisper.

17 THE JUROR: Okay.

18 THE COURT: All right. I -- I understand.

19 Mr. Levin, did you wish to press an objection to the proposal  
20 to excuse the juror?

21 MR. LEVIN: No, your Honor.

22 THE COURT: All right. Thank you, sir. You're  
23 excused.

24 THE JUROR: Thank you.

25 CONCLUSION OF SIDEBAR

1 CASE MANAGER NEGRON: The juror's excused.

2 THE JURY ADMINISTRATOR: Donna Moses, number 5, does  
3 not need to approach.

4 THE COURT: Thank you, ma'am. If you could follow  
5 instructions, we'll bring you back in a minute.

6 CASE MANAGER NEGRON: Juror's qualified.

7 THE JURY ADMINISTRATOR: Juror Salvagno, number 8,  
8 does not need to approach.

9 THE COURT: Thank you, sir. If you could follow  
10 instructions.

11 CASE MANAGER NEGRON: Juror's qualified.

12 THE JURY ADMINISTRATOR: Juror number 9, Clanin,  
13 does not need to approach.

14 THE COURT: Thank you, ma'am. If you follow  
15 guidance, we'll bring you back in in a few minutes.

16 CASE MANAGER NEGRON: Juror's qualified.

17 THE JURY ADMINISTRATOR: Juror number 10, Mr. King,  
18 does not need to approach. I'm sorry, Ms. King.

19 THE COURT: Thank you, Ms. King. We'll get back to  
20 you in a minute.

21 CASE MANAGER NEGRON: Juror's qualified.

22 THE JURY ADMINISTRATOR: Juror number 11,  
23 Mr. Barboza, does not need to approach.

24 THE COURT: Sir, if you could follow instructions  
25 there, we'll bring you back in in a minute.

1 CASE MANAGER NEGRON: Juror's qualified.

2 THE JURY ADMINISTRATOR: Juror number 12,  
3 Mr. Pillsbury, does not need to approach.

4 THE COURT: Thank you, Mr. Pillsbury. If you could  
5 follow instructions.

6 CASE MANAGER NEGRON: Juror's qualified.

7 THE JURY ADMINISTRATOR: Juror number 13,  
8 Ms. Higgins, would like to approach.

9 THE COURT: All right. Come on up, ma'am.

10 And these microphones are pretty sensitive, so if  
11 you just whisper, we'll all hear you. Okay? We you don't even  
12 have to get close to the microphone.

13 AT SIDEBAR

14 THE COURT: Yes, ma'am.

15 THE JUROR: Just in response to your question  
16 whether or not I had family members who work for the federal  
17 government or in law enforcement and I just wanted to bring to  
18 your attention that my brother, William Higgins, is a special  
19 agent for the Department of Commerce.

20 THE COURT: Okay. So try to whisper here.

21 THE JUROR: I'm sorry.

22 THE COURT: That's okay. Just whisper. Like this.  
23 Okay?

24 He's a special agent for the Department of Commerce.  
25 What does he do in that job?

1 THE JUROR: He's in investigations.

2 THE COURT: Does he do criminal investigations?

3 THE JUROR: Yes, sir.

4 THE COURT: I see. So there may be some law  
5 enforcement witnesses who testify in this case. Are you more  
6 likely to believe someone who's a law enforcement witness  
7 because you have a relative who's involved in law enforcement?

8 THE JUROR: No, sir.

9 THE COURT: Does your relative have any involvement  
10 with investigations of white nationalist groups?

11 THE JUROR: No.

12 THE COURT: No. So are you confident you could  
13 assess the testimony of a law enforcement witness the same way  
14 you would any other witness in the case?

15 THE JUROR: Yes. I just wanted to bring it to your  
16 attention, that's all.

17 THE COURT: No, I appreciate that. Thank you.

18 Is there anything else you wanted to take up with  
19 me?

20 THE JUROR: No, thank you.

21 THE COURT: Could you take the headphones off for  
22 just a second?

23 THE JUROR: Sure.

24 THE COURT: All right. Counsel, I -- I propose to  
25 find the witness qualified. Does anybody object?



1 MR. DAVIS: No objection.

2 MR. LEVIN: No objection.

3 THE COURT: Thank you. The witness is qualified.  
4 You can follow instructions.

5 THE JUROR: Thank you.

6 CONCLUSION OF SIDEBAR

7 THE JURY ADMINISTRATOR: Juror number 15,  
8 Mr. MacCannell, would like to approach.

9 THE COURT: Come on up, sir. And I can emphasize  
10 that we will talk in a whisper and we will all hear.

11 THE JUROR: Yes, your Honor.

12 AT SIDEBAR

13 THE COURT: Yes, sir; your concern?

14 THE JUROR: I know somebody named Kevin LeBlanc. I  
15 don't know if it's your Kevin LeBlanc.

16 THE COURT: Okay. How -- the person you know, how  
17 do you know him?

18 THE JUROR: I grew up with him.

19 THE COURT: And where was that?

20 THE JUROR: Sanford, Maine.

21 THE COURT: Sanford Maine. And do you know what he  
22 does for a living?

23 THE JUROR: No.

24 THE COURT: No. All right. Could you take the  
25 headset off for a minute?

1                   Counsel, can you help me? Is this the person he's  
2                   thinking of?

3                   MR. DAVIS: I don't think so, Judge. Kevin LeBlanc  
4                   is a task force officer with FBI now.

5                   THE COURT: Where does he live?

6                   MR. DAVIS: I believe he lives in southern  
7                   New Hampshire.

8                   THE COURT: Okay.

9                   MR. DAVIS: He's a witness in the case.

10                  THE COURT: He's a task force officer with what?

11                  MR. DAVIS: FBI.

12                  THE COURT: Okay. Could you put the headset back  
13                  on?

14                  This Kevin LeBlanc is a task force officer with the  
15                  FBI who lives in southern New Hampshire. Is that the person  
16                  that you know?

17                  THE JUROR: I don't know what he does for a living,  
18                  so ...

19                  THE COURT: Ah. When was the last time you saw him?

20                  THE JUROR: Ten years ago probably.

21                  THE COURT: Do you have any kind of close  
22                  relationship with him?

23                  THE JUROR: I mean, I grew with up with him and went  
24                  to school with him most of our life, so ...

25                  THE COURT: All right. I'm not sure I can give you

1 any more information about him as a potential witness. If he  
2 were to testify, would the fact that you knew him growing up  
3 play any role whatsoever in how you would evaluate him as a  
4 witness?

5 THE JUROR: Hard to tell. I don't --

6 THE COURT: Hard to tell. I understand.

7 THE JUROR: Yeah.

8 THE COURT: Is there any other issue you have that  
9 you wanted to take up with me?

10 THE JUROR: You were just asking about volunteering  
11 stuff. And so one of the groups that I volunteer with supports  
12 the New Hampshire police dog association, so we do fund-raisers  
13 for them.

14 THE COURT: For the police dog association?

15 THE JUROR: Yeah.

16 THE COURT: Do you feel you have any ties with law  
17 enforcement that could affect your ability to be fair and  
18 impartial in this case?

19 THE JUROR: Ties with law enforcement, my -- my  
20 cousin-in-law is a law enforcement officer and, you know, one  
21 of our best friends is retired SWAT, so ...

22 THE COURT: Yeah. So this case is brought by the  
23 government. It was developed in part with law enforcement  
24 officers. Some of those officers may testify at the trial.  
25 Are you any more likely to believe those law enforcement

1 witnesses simply because they're law enforcement witnesses?

2 THE JUROR: Probably not.

3 THE COURT: Okay. Thank you, sir. Could you take  
4 the headphones off for a second?

5 Counsel, unless I can be provided with additional  
6 information about Mr. LeBlanc, I think out of an abundance of  
7 caution I ought to excuse the witness. Does anybody disagree?

8 MR. DAVIS: I disagree, your Honor. Kevin LeBlanc  
9 is a common name. There's no --

10 THE COURT: I know, but if you can give me some more  
11 information -- like right now, given that we're operating in a  
12 COVID pandemic, I don't want to lose a potential juror because  
13 they show up at trial and say, Judge, I told you I knew this  
14 guy. Now, if I could eliminate him --

15 MR. DAVIS: Judge, sorry. Could I find out where  
16 Kevin LeBlanc went to high school and provide that to the Court  
17 as fast as I can?

18 THE COURT: Yeah, you do that while I listen to what  
19 Mr. Levin has to say.

20 MR. LEVIN: I think there might be another issue,  
21 which is I think my sons are in school with Mr. MacCannell's  
22 son.

23 THE COURT: Okay.

24 What school do your kids go to?

25 MR. LEVIN: Portsmouth High School. They just

1 graduated.

2 THE COURT: Okay. Could you put the headset back  
3 on, sir?

4 Do you have children that go to Portsmouth High  
5 School?

6 THE JUROR: I do.

7 THE COURT: All right. And do you know -- the  
8 lawyers' names, did they ring any bell with you?

9 THE JUROR: For who? I didn't write it down.

10 THE COURT: Yeah, Mr. Levin.

11 THE JUROR: I don't think so.

12 THE COURT: You know what, I appreciate all your  
13 efforts here, sir. I just think there's enough uncertainty  
14 about what connections you might have to the case, so I think  
15 out of an abundance of caution I'm going to excuse you. All  
16 right? Thank you. You're excused.

17 I'm sorry, Mr. Davis. I --

18 CASE MANAGER NEGRON: Juror excused.

19 THE COURT: -- I didn't want to take any more time  
20 on the issue.

21 CONCLUSION OF SIDEBAR

22 THE JURY ADMINISTRATOR: Juror number 16, Lynn  
23 Fillion, does not need to approach.

24 THE COURT: Thank you. Ma'am, if you could follow  
25 instructions.

1 CASE MANAGER NEGRON: Juror's qualified.

2 THE JURY ADMINISTRATOR: Juror number 17,  
3 Mr. Vachon, does not need to approach.

4 THE COURT: All right. Thank you, sir; if you could  
5 follow instructions.

6 CASE MANAGER NEGRON: Juror's qualified.

7 THE JURY ADMINISTRATOR: Juror number 18, Mr. Miner,  
8 does not need to approach.

9 THE COURT: Thank you, sir; if you could follow  
10 instructions.

11 CASE MANAGER NEGRON: Juror's qualified.

12 THE JURY ADMINISTRATOR: Juror number 19,  
13 Ms. Henderson, would like to approach.

14 THE COURT: Come on up, Ms. Henderson, and stand  
15 away from the mic and whisper. These things are incredibly  
16 powerful.

17 AT SIDEBAR

18 THE JUROR: Thank you.

19 THE COURT: Go ahead.

20 THE JUROR: Wow, this is loud. You asked whether  
21 there was any background in terms of diversity --

22 THE COURT: Can you whisper? Just whisper.

23 THE JUROR: -- in terms of diversity activities. I  
24 am a former associate dean of diversity and inclusion at  
25 Dartmouth. I am still highly involved in those activities and

1 I would say that I have both implicit and explicit biases  
2 against white nationalists. I also very strongly believe in  
3 the rule of law and I believe I can carry out the instructions,  
4 but I did want to let you know my background.

5 THE COURT: Thank you. And I completely understand  
6 and accept the sincerity of your views on that subject because  
7 one can hold negative views about white nationalism and still  
8 believe in the rule of law. But we're fortunate today in that  
9 we have a large number of jurors who have not been  
10 professionally involved in issues like the ones that you've  
11 devoted your life to and since we have that opportunity to have  
12 jurors that simply don't have strongly held views on those  
13 subjects serve, I think it is better in this instance that I  
14 excuse you. But I do so with utmost respect and a real,  
15 sincere belief that you would, as far as you could consciously  
16 do so, would respect the rule of law, would apply the  
17 instructions to that I give you.

18 So I don't mean in any way to be critical of you. I  
19 appreciate what you're saying. I think I just want to have  
20 jurors that haven't had that kind of professional involvement  
21 sit. So I'll excuse you from having to sit in this case.

22 Thank you.

23 CASE MANAGER NEGRON: Juror's excused.

24 CONCLUSION OF SIDEBAR

25 THE JURY ADMINISTRATOR: Juror number 20,

1 Mr. Kelley, would like to approach.

2 THE COURT: All right. Come on up, sir, and real --  
3 just whisper and we'll be good.

4 AT SIDEBAR

5 THE COURT: And stand in front of that microphone --

6 THE JUROR: Uh-huh.

7 THE COURT: -- and just whisper.

8 THE JUROR: Okay. All right.

9 THE COURT: Yes, sir. Go ahead.

10 THE JUROR: Well, let's see. What was -- is this  
11 supposed to be on a specific like things that we --

12 THE COURT: Yes. If you heard -- if your answer to  
13 any of my questions was yes or if you have any other concern  
14 about your ability to sit and be fair and impartial, now's your  
15 chance to raise it with me.

16 THE JUROR: Yeah. I was part of like lots of  
17 different racial justice movements and like recent prison  
18 abolition as well as antifascist movements. So I figure those  
19 probably related to the white nationalist or alt-right views of  
20 the defendant might -- might conflict with my ability to be  
21 impartial on the jury.

22 THE COURT: Tell me about your involvement in some  
23 of these organizations.

24 THE JUROR: So I've done political organizing, so  
25 like anything from getting out to vote to direct action rejoin,



1 and also been in many different protests over the recent years,  
2 especially recently in 2020.

3 THE COURT: All right. So, sir, I -- well, I will  
4 ask you, do you have any concerns about your ability to be fair  
5 and impartial if you were picked?

6 THE JUROR: Slightly, yes.

7 THE COURT: Yeah. And I -- look, I appreciate your  
8 honest answers to these problems. And I'm confident that you  
9 would do your very best to follow my instructions --

10 THE JUROR: Uh-huh.

11 THE COURT: -- but we have a bunch of jurors here  
12 who have had no involvement on one side or the other of those  
13 issues --

14 THE JUROR: Right.

15 THE COURT: -- and I think it's probably better that  
16 I excuse you from having to sit in this case. I do so without  
17 implying any criticism at all for your -- the information  
18 you've shared with me, but I will excuse you. So you're  
19 excused.

20 THE JUROR: Okay. Thank you.

21 THE COURT: Thank you.

22 CONCLUSION OF SIDEBAR

23 CASE MANAGER NEGRON: Juror's excused.

24 THE JURY ADMINISTRATOR: Juror number 21,  
25 Mr. Wheeler, would like to approach.

1 THE COURT: Come on up, sir, and just whisper.  
2 You'll be heard.

3 AT SIDEBAR

4 THE COURT: All right, sir. If you could stand a  
5 little closer -- there. Right there. Good.

6 Now, all right. Do you have any concerns that you  
7 want to discuss with me?

8 THE JUROR: The only concern I was thinking about is  
9 that I might have a schedule --

10 THE COURT: Just a little closer to the microphone.

11 THE JUROR: Sorry. Is this a little better?

12 THE COURT: Yeah.

13 THE JUROR: The only concern that I might have is  
14 that I have a schedule conflict.

15 Recently, unfortunately, I have found a mass in my  
16 thigh, so I've had a couple doctors' appointments that I've  
17 been attending and I have one this weekend and on the 23rd.

18 THE COURT: On the 23rd. Yeah, I'm sorry you're  
19 dealing with that.

20 THE JUROR: That's all right.

21 THE COURT: I think -- I don't want you to be  
22 distracted or have to delay the jury trial for that  
23 appointment, so I will excuse you from having to sit.

24 THE JUROR: Thank you.

25 CONCLUSION OF SIDEBAR

1 CASE MANAGER NEGRON: Juror's excused.

2 THE JURY ADMINISTRATOR: Juror number 22,  
3 Mr. Fisher, would like to -- oh, does not need to approach.

4 THE COURT: Does not. Okay. Thank you, sir. Could  
5 you follow instructions; we'll bring you back in in a few  
6 minutes.

7 THE JUROR: Thank you.

8 CASE MANAGER NEGRON: Juror's qualified.

9 THE JURY ADMINISTRATOR: Juror number 23, Ackerley  
10 Men, does not need to approach.

11 THE COURT: Thank you, ma'am. If you could follow  
12 instructions and we'll go from there.

13 CASE MANAGER NEGRON: Juror's qualified.

14 THE JURY ADMINISTRATOR: Juror number 24, Samantha  
15 Hirsch, would like to approach.

16 THE COURT: Come on up, ma'am. Someone will give  
17 you a headset and you can stand in front of that microphone,  
18 not too close, and just whisper to me and we should be fine.

19 AT SIDEBAR

20 THE COURT: Good morning. Do you have some issue  
21 you want to take up with me?

22 THE JUROR: Scheduling, yes.

23 THE COURT: Yes.

24 THE JUROR: I'm a full-time master's student in my  
25 last term and so I have to work to get my hours for school,

1 intern.

2 THE COURT: Do you have an internship?

3 THE JUROR: It's a practicum, yes.

4 THE COURT: What are you doing for your practicum?

5 THE JUROR: I work at Ready Set Connect. So it's  
6 like an autism service clinic.

7 THE COURT: And you need to complete your hours this  
8 semester in order to get your degree?

9 THE JUROR: Correct, yeah.

10 THE COURT: Okay. I'll excuse you from having to  
11 sit.

12 THE JUROR: Thanks.

13 CONCLUSION OF SIDEBAR

14 CASE MANAGER NEGRON: Juror's excused.

15 THE JURY ADMINISTRATOR: Juror number 25,  
16 Ms. Van Orden, would like to approach.

17 THE COURT: Come on up, ma'am, put the headset on  
18 and just whisper. We'll catch everything.

19 AT SIDEBAR

20 THE COURT: Yes, ma'am.

21 THE JUROR: Hi. How are you?

22 THE COURT: Okay.

23 THE JUROR: I have a couple of things. I have --  
24 one of the things is the child care. I have one-year-old  
25 twins. I do work part time, but I have child care just on

1 those days and it's very challenging at this time to find it.

2 THE COURT: Is there anybody else in your household  
3 who can watch the kids for a week?

4 THE JUROR: My husband is working full time right  
5 now as well and does not have any time available.

6 THE COURT: Yeah, I understand. Okay. I'll excuse  
7 you from having to sit.

8 THE JUROR: Okay.

9 THE COURT: Thank you.

10 THE JUROR: Thank you.

11 CONCLUSION OF SIDEBAR

12 CASE MANAGER NEGRON: Juror's excused.

13 THE JURY ADMINISTRATOR: Juror number 26,  
14 Ms. Pinette, does not need to approach.

15 THE COURT: Thank you, ma'am. You can follow  
16 instructions and we'll bring you back in in a view minutes.

17 CASE MANAGER NEGRON: Juror's qualified.

18 THE JURY ADMINISTRATOR: Juror number 27,  
19 Mr. Christiansen, would like to approach.

20 THE COURT: Sir, come on up. Put a headset on,  
21 stand in front of that mic and just whisper. We'll catch  
22 everything.

23 AT SIDEBAR

24 THE COURT: Yes, sir.

25 THE JUROR: Good morning, Judge. There are three

1 things that you said that made me think of some things.

2 The first one was you asked about work and  
3 occupation. My team is dealing with a September 30th deadline  
4 for some accomplishments that we're trying to make for the 4th  
5 quarter -- third quarter -- for fourth quarter. I can  
6 elaborate if you'd like me to.

7 THE COURT: What do you do for a living?

8 THE JUROR: I run Northwestern Mutual's operations  
9 for New Hampshire.

10 THE COURT: Okay.

11 THE JUROR: There are about a hundred people in the  
12 state. So ...

13 THE COURT: And what's coming up at the end of the  
14 month?

15 THE JUROR: So we've -- we have our fourth quarter  
16 hiring. The deadline is September 30th. So we're trying to  
17 get a lot of, you know, things done before the end of the  
18 quarter.

19 THE COURT: So are you involved in interviewing and  
20 selecting candidates for positions?

21 THE JUROR: Yes.

22 THE COURT: And you're --

23 THE JUROR: I'm probably the most important person  
24 in the organization.

25 THE COURT: Okay. Just briefly tell me the other

1 two issues that you wanted to raise.

2 THE JUROR: Two is what I know about cybercrime is  
3 it's pretty cut and dried. So I find it a lot more clear-cut  
4 than other crimes.

5 The last thing I wanted to share was I have pretty  
6 strong political beliefs. I'm Republican, have been my entire  
7 life. This alt-right wing is tolling the party and is quite  
8 offensive to me and what I stand for.

9 And those are the things I just wanted to share with  
10 you.

11 THE COURT: Just to be sure I understand the last  
12 point, you've got views that the alt-right has captured the  
13 party and -- that you've been a part of for so long and you  
14 find that offensive and problematic.

15 THE JUROR: (Nods head.)

16 THE COURT: All right. Could you take the headset  
17 off?

18 THE JUROR: Sure.

19 THE COURT: I propose to excuse the witness. Does  
20 anybody object?

21 MR. DAVIS: No.

22 MR. LEVIN: No, your Honor.

23 THE COURT: All right. Thank you, sir. You're  
24 excused.

25 CONCLUSION OF SIDEBAR

1 CASE MANAGER SACKOS: Right in the box, sir. Thank  
2 you so much.

3 (Juror excused.)

4 THE JURY ADMINISTRATOR: Juror number 28,  
5 Ms. Kenton, does not need to approach.

6 THE COURT: Thank you, ma'am. Can you follow  
7 instructions; we'll be back with you in a few minutes.

8 CASE MANAGER NEGRON: Juror's qualified.

9 THE JURY ADMINISTRATOR: Juror number 29,  
10 Ms. Coffey, would like to approach.

11 THE COURT: Come on up, ma'am, and put a headset on  
12 and whisper and we'll hear you. Just stand in front of that  
13 microphone there.

14 AT SIDEBAR

15 THE COURT: Yes, ma'am. You have something you'd  
16 like to talk to me about?

17 THE JUROR: Yes, sir. For the qualification of  
18 government service, immediate family, does that include  
19 siblings, parents, or grandparents?

20 THE COURT: Yeah. Tell me about your connection.

21 THE JUROR: Okay. My father was a translator for  
22 the Central Intelligence Agency's Joint Publication Research  
23 Service, now retired, for the duration of my childhood. My  
24 grandfathers, both military officers, Marine Corps and  
25 Air Force. My cousin, nuclear facility Navy officer Y-12,



1 Oak Ridge, Tennessee.

2 THE COURT: Did you have other issues that you  
3 wanted to take up with me?

4 THE JUROR: Yes, sir.

5 THE COURT: You can -- you can actually lean back a  
6 little bit --

7 THE JUROR: Oh.

8 THE COURT: -- and you'll still be okay. Just  
9 whisper.

10 THE JUROR: Okay.

11 THE COURT: They're very sensitive.

12 THE JUROR: Thank you, sir.

13 I was myself employed and still am as an independent  
14 contractor by FEMA and I work with -- emergency management  
15 volunteer paramedic, so I interact with state and local  
16 government fairly regularly.

17 THE COURT: Uh-huh. Is there any other issue?

18 THE JUROR: Yes, sir. I was nolo contendere in the  
19 state of Virginia for petit larceny when I was 18, I believe,  
20 in 1998, and as the defendant in that case convicted and was  
21 absolutely guilty. And that is all.

22 THE COURT: Okay. Sorry to inquire about the last  
23 subject.

24 THE JUROR: No, that's okay.

25 THE COURT: Do you feel you were in any way

1 mistreated by law enforcement?

2 THE JUROR: Not at all, sir. They were very fair.

3 THE COURT: All right. Are you confident you could  
4 be fair and impartial to both the prosecutor, the government,  
5 and the defendant in this case if you were picked?

6 THE JUROR: Yes, sir. I feel that both sides did  
7 their job in that case quite kindly and fairly.

8 THE COURT: So as a paramedic you oftentimes  
9 interact with law enforcement officers, I assume. Is  
10 that --

11 THE JUROR: Yes.

12 THE COURT: Yeah.

13 THE JUROR: As well as patients and a lot of family  
14 and a lot of mess.

15 THE COURT: Yeah. Are you more likely to believe a  
16 law enforcement officer just because they're a law enforcement  
17 officer based on your contact with them as a paramedic?

18 THE JUROR: Not necessarily, no. The scenes are  
19 really messy.

20 THE COURT: Yeah. And the family members, it sounds  
21 like there's substantial military and CIA service, but not --

22 THE JUROR: Yes.

23 THE COURT: -- so much directly involved in criminal  
24 justice enforcement, not going out making arrests, conducting  
25 those kinds of investigations; is that right?

1 THE JUROR: No, sir. Translators and interpreters  
2 primarily.

3 THE COURT: And are you confident you could be fair  
4 and impartial if you were picked as a juror?

5 THE JUROR: Yes, sir.

6 THE COURT: Thank you. Could you take the headset  
7 off for a second?

8 THE JUROR: Sure.

9 THE COURT: I propose to find the witness qualified.  
10 Does anybody disagree?

11 MR. DAVIS: No.

12 MR. LEVIN: No, your Honor.

13 CONCLUSION OF SIDEBAR

14 THE COURT: Thank you. You're qualified. Please  
15 follow instructions. We'll go from there.

16 THE JURY ADMINISTRATOR: Juror number 30,  
17 Mr. Munuswamy, would like to approach.

18 THE COURT: Come on up, sir. Take a headset, stand  
19 in front of that mic and just whisper. You don't even need to  
20 lean in very close.

21 AT SIDEBAR

22 THE COURT: Good morning, sir. What did you want to  
23 talk about?

24 THE JUROR: So in the list of questions, you said --  
25 there was a person by Arsenault, last name, and I just wanted

1 to make sure -- I work with a person by the name Jennifer  
2 Arsenault and I just wanted to make sure that that's not the  
3 same person.

4 THE COURT: Okay. So the witness was Jennifer  
5 Arsenault.

6 THE JUROR: The person I work with is Jennifer  
7 Arsenault.

8 THE COURT: Okay.

9 THE JUROR: And I remembered you saying one of the  
10 witnesses has the last name Arsenault.

11 THE COURT: All right. Could you take the headset  
12 off for a second?

13 I don't know who the Arsenault person is.

14 MR. LEVIN: He's an employee of our office.

15 THE COURT: Okay.

16 MR. LEVIN: But I don't think there's any  
17 connection.

18 THE COURT: Yeah. Can I represent to the witness  
19 that we don't believe there's any connection?

20 MR. LEVIN: Yes.

21 THE COURT: Okay. Thank you, sir. You can put the  
22 headset back on.

23 Okay. That Arsenault has no connection to the  
24 Arsenault who's a witness, so that won't be a problem. Is  
25 there anything else you wanted to talk to me about?

1 THE JUROR: That's all. That's all.

2 THE COURT: All right. Thank you, sir. You're  
3 qualified.

4 THE JUROR: Thank you.

5 CONCLUSION OF SIDEBAR

6 CASE MANAGER NEGRON: Juror's qualified.

7 THE JURY ADMINISTRATOR: Juror number 32,  
8 Ms. Wrigley, does not need to approach.

9 THE COURT: Thank you, ma'am. Could you follow the  
10 instructions of the staff and we'll bring you back in in just a  
11 minute, first him and then you.

12 CASE MANAGER NEGRON: Juror's qualified.

13 THE JURY ADMINISTRATOR: Juror number 33,  
14 Ms. Bristol, does not need to approach.

15 THE COURT: Thank you, Ms. Bristol. Could you  
16 follow the guidance of the staff; we'll bring you back in in a  
17 minute.

18 THE COURT: Juror's qualified.

19 THE JURY ADMINISTRATOR: Juror number 34,  
20 Ms. Bressette, would like to approach.

21 THE COURT: Thank you, ma'am. Could you step up  
22 there, take a headset, and just stand in front of that  
23 microphone and just whisper. We will catch it. These are very  
24 sensitive.

25 AT SIDEBAR

1 THE COURT: Okay. Just whisper.

2 THE JUROR: Okay.

3 THE COURT: Go ahead.

4 THE JUROR: Yeah.

5 THE COURT: What concerns do you have?

6 THE JUROR: My husband works for the federal  
7 government, the FDIC.

8 THE COURT: What does he do for the FDIC?

9 THE JUROR: He's a bank examiner.

10 THE COURT: And he doesn't have any direct  
11 involvement with criminal justice enforcement, does he?

12 THE JUROR: He does not.

13 THE COURT: All right. Are there any other issues  
14 that you wanted to take up with me?

15 THE JUROR: I help a local democratic group get  
16 democrats elected to office.

17 THE COURT: All right. So as I mentioned to you, if  
18 you were picked as a juror in this case, you would hear  
19 testimony about various people involved in white nationalist  
20 movements. I've told you that what matters here is whether the  
21 defendant committed the acts that are described in the  
22 indictment with the intention and knowledge that's required for  
23 the charge. Any views he might have on white nationalism play  
24 no direct goal in whether he's guilty or not guilty of this  
25 crime -- these crimes and you could not hold it against him in

1 any way if he does -- if evidence does suggest that he holds  
2 white nationalist views.

3 Are you confident you could follow that instruction?

4 THE JUROR: Yes.

5 THE COURT: And are you confident you could be fair  
6 to both the government and the defendant if you were picked as  
7 a juror in this case?

8 THE JUROR: Yes.

9 THE COURT: Does the -- and I'm sorry to inquire  
10 into your political views. I just want to be sure I understand  
11 them.

12 Does the organization or organizations you're  
13 involved with, do they have a name -- have names?

14 THE JUROR: It's -- yes.

15 THE COURT: All right. And can you just tell me  
16 what they're known as?

17 THE JUROR: It's the Pelham Democratic Committee.

18 THE COURT: Okay. So you're just a -- you're a  
19 participant in the Pelham Democratic Committee.

20 THE JUROR: Uh-huh.

21 THE COURT: And you're confident you could be fair  
22 to both sides if you were picked?

23 THE JUROR: Yes.

24 THE COURT: Thank you. Could you take the headset  
25 off for a second?

1 I propose the find the witness qualified. Does  
2 anybody object?

3 MR. DAVIS: No objection.

4 MR. LEVIN: No objection.

5 THE COURT: All right. Thank you. You're  
6 qualified.

7 Could you follow instructions?

8 CONCLUSION OF SIDEBAR

9 THE JURY ADMINISTRATOR: Juror number 35,  
10 Mr. Watterson, does not need to approach.

11 THE COURT: Thank you, Mr. Watterson. Could you  
12 just follow the guidance of the staff? We'll bring you back in  
13 in a few minutes.

14 CASE MANAGER NEGRON: Juror's qualified.

15 THE JURY ADMINISTRATOR: Juror number 36, Mr. Kumar,  
16 would like to approach.

17 THE COURT: Mr. Kumar, could you come up here and  
18 please take a headset and stand in front of that microphone  
19 there and just whisper.

20 AT SIDEBAR

21 THE COURT: Good morning, sir.

22 THE JUROR: Hi. How are you?

23 THE COURT: Okay. Whisper is fine.

24 THE JUROR: Okay. So as a person of color growing  
25 in the United States, I had incurred racism. As a physician,



1 that's never affected me in any way when I treat patients. You  
2 should know that because of the Black Lives movement that  
3 happened this summer there was a movement within health care  
4 where we had physicians who kneeled on a certain day in honor  
5 of black lives. And where I worked, I was one of those maybe  
6 five physicians who actually posted a photo in reference to  
7 black lives.

8           So could I have some inherent bias against white  
9 supremacy? Potentially. And I think it should be known.

10           THE COURT: Well, I appreciate you sharing that with  
11 me. And I'm sorry to have to have to inquire into one's  
12 political views. Frankly, it's not something I enjoy doing --

13           THE JUROR: Sure.

14           THE COURT: -- but I need to understand these  
15 things.

16           It would be entirely understandable to me, given the  
17 fact that you've told me that you've personally experienced  
18 racism, that you might be concerned about having some kind of  
19 feelings that you might not even be fully aware of that could  
20 spill over and affect your thinking if you were picked as a  
21 juror in this case.

22           Are you confident you could set aside any of those  
23 kind of feelings and be fair and impartial or do you have some  
24 lingering concern that they could affect your ability to be  
25 fair and impartial?

1 THE JUROR: I do have some lingering concern that it  
2 could affect my --

3 THE COURT: Yeah.

4 THE JUROR: -- ability to be a hundred percent  
5 impartial.

6 THE COURT: And I appreciate your candor on that  
7 subject. I think, fortunately, we have a number of jurors here  
8 who have not had engagement with the movements in ways that  
9 could call into question their impartiality and given your  
10 personally expressed concern that despite your best efforts you  
11 might be affected based on your life experiences, I think we're  
12 better off excusing you.

13 Could you take the headset off for just a second and  
14 stay there for just a minute. Okay?

15 THE JUROR: Sure.

16 THE COURT: I propose to excuse the juror. Does  
17 anybody object?

18 MR. DAVIS: No.

19 MR. LEVIN: No, your Honor.

20 THE COURT: All right. Thank you, sir. You're  
21 excused.

22 CONCLUSION OF SIDEBAR

23 (Juror excused.)

24 CASE MANAGER SACKOS: You can set that right in the  
25 box.

1 THE JUROR: Right here?

2 CASE MANAGER SACKOS: Yes, either one is fine.

3 Thank you.

4 THE JURY ADMINISTRATOR: Juror number 37,

5 Ms. Olsen, would like to approach.

6 THE COURT: Come on up, put a headset on, and just  
7 whisper. We're -- it's very sensitive.

8 AT SIDEBAR

9 THE JUROR: Okay.

10 THE COURT: Yes, ma'am.

11 THE JUROR: I have a couple of things.

12 THE COURT: Just -- move a little bit in front of  
13 the -- it's sort of directional. Right there and just whisper.  
14 Yeah.

15 THE JUROR: Okay. So scheduling issues, I just  
16 started a new job yesterday and so being --

17 THE COURT: Oh, now, wait a minute. What's your --  
18 what do you do for work?

19 THE JUROR: I'm a commercial loan assistant at a  
20 bank.

21 THE COURT: All right. And are you concerned about  
22 the fact that you're in your first week of employment in a new  
23 job?

24 THE JUROR: Yes, and that I would be missing  
25 potentially --

1 THE COURT: Yeah.

2 THE JUROR: -- ten days in the second week and third  
3 week.

4 THE COURT: I'm concerned about that, too. Your  
5 anxiety level in a new job has got to be high. If I made you  
6 stay here, you'd be distracted.

7 THE JUROR: Okay.

8 THE COURT: On that basis alone I'm going to excuse  
9 you. So you're excused.

10 THE JUROR: All right.

11 CONCLUSION OF SIDEBAR

12 CASE MANAGER NEGRON: Juror's excused.

13 THE JURY ADMINISTRATOR: Juror number 38,  
14 Ms. Minery, does not need to approach.

15 THE COURT: Thank you, ma'am. If you could follow  
16 the guidance of the staff.

17 CASE MANAGER NEGRON: Juror's qualified.

18 THE JURY ADMINISTRATOR: Juror number 39, Ms. Barth,  
19 does not need to approach.

20 THE COURT: Thank you, ma'am. If you could follow  
21 the guidance of the staff.

22 CASE MANAGER NEGRON: Juror's qualified.

23 THE JURY ADMINISTRATOR: Juror number 40, Ms. Patel,  
24 would like to approach.

25 THE COURT: Ma'am, could you come up to the

1 microphone, put the headset on and just whisper. So stand in  
2 front of the microphone so that -- where you're speaking from  
3 and then whisper. We should be fine.

4 Good morning, ma'am.

5 THE JUROR: Good morning.

6 THE COURT: What concerns do you have?

7 THE JUROR: This is one question that ask if I work  
8 for government agency or any of my family member works for.

9 THE COURT: Yes.

10 THE JUROR: Yeah, I did work in the past for a  
11 couple months for the community college.

12 THE COURT: What community college?

13 THE JUROR: Middlesex Community College in Lowell,  
14 Massachusetts.

15 THE COURT: Okay.

16 THE JUROR: And my brother still -- I mean, he is  
17 working for community college at this moment in New Hampshire.

18 THE COURT: Okay. Is there anything else you wanted  
19 to take up with me?

20 THE JUROR: No, actually. I just -- it's a yes  
21 answer for that question. That's why I'm concerned.

22 THE COURT: Yes. Thank you for raising it.

23 Are you confident you could be fair and impartial if  
24 you were picked as a juror?

25 THE JUROR: Yes.

1 THE COURT: Okay. Thank you. Could you take the  
2 headset off for a second?

3 THE JUROR: Okay.

4 THE COURT: I propose to find the witness qualified.

5 MR. DAVIS: No objection.

6 MR. WOLPIN: Are we -- I just don't know when we're  
7 talking --

8 THE COURT: Yeah, I'm waiting to see if you have  
9 objection or not.

10 MR. LEVIN: No objection.

11 THE COURT: You don't have an objection.

12 THE COURT: Okay. Thank you.

13 CONCLUSION OF SIDEBAR

14 CASE MANAGER NEGRON: Juror's qualified.

15 THE COURT: Thank you. You can take it off.

16 So you're qualified. If you follow instructions,  
17 we'll bring you back in in a few minutes. They'll tell you  
18 where to go.

19 THE JURY ADMINISTRATOR: Number 41, Ms. Fleck, does  
20 not need to approach.

21 THE COURT: Oh, thank you, ma'am. Could you follow  
22 the staff's instructions and we'll bring you back in in a few  
23 minutes.

24 CASE MANAGER NEGRON: Juror's qualified.

25 THE JURY ADMINISTRATOR: Number 42, Mr. Clegg, would

1 like to approach.

2 THE COURT: Come on up, sir. Stand in front of that  
3 microphone and put a headset on. And you all you have to do is  
4 really whisper. Okay?

5 AT SIDEBAR

6 THE COURT: Good morning, sir.

7 THE JUROR: Good morning. Oh --

8 THE COURT: You can just put it down like this.

9 THE JUROR: Oh, thank you.

10 THE COURT: Just a whisper.

11 THE JUROR: Okay. Okay.

12 THE COURT: What concerns do you have?

13 THE JUROR: I have a disability with my right leg  
14 that I can't sit for a long period of time.

15 THE COURT: Okay.

16 THE JUROR: I had a major operation with it.

17 THE COURT: Oh, I'm sorry. So -- so we would go for  
18 about an hour and a half and then take a break. And I -- I  
19 don't have any problem if you needed to stand or stretch a  
20 little bit, but you'd have to stand in place where -- next to  
21 where you're seated. If that's a problem for you, going for an  
22 hour and a half without a break, then it probably is something  
23 I ought to excuse you for. Do you feel like it would be a  
24 problem for you?

25 THE JUROR: Well, the other part is driving here

1 with my foot being numb.

2 THE COURT: Oh.

3 THE JUROR: See, right now, my foot's numb.

4 THE COURT: Just have having to drive here, huh?

5 THE JUROR: Yeah. It's poor circulation.

6 THE COURT: Where do you come from?

7 THE JUROR: Seabrook.

8 THE COURT: Uh-huh. So it's a little over an hour  
9 to get here?

10 THE JUROR: Correct.

11 THE COURT: And that's a problem for you?

12 THE JUROR: Longer periods of time, yes.

13 THE COURT: Yeah. All right.

14 THE JUROR: I haven't been out of my house since  
15 March. This is the first time I've worn a mask since March.

16 THE COURT: Oh, wow. Yeah. You know what, even if  
17 I give you breaks, you're going to spend most of your day kind  
18 of confined, sitting, and then an hour and a half in the car  
19 each way. Given your disability and since you're asking to be  
20 excused, I think it's better that I excuse you. So I will  
21 excuse you from having to sit.

22 THE JUROR: Thank you, sir.

23 THE COURT: Thank you. You can take the headset off  
24 and they'll tell you where to go.

25 CONCLUSION OF SIDEBAR



1 CASE MANAGER NEGRON: Juror's excused.

2 THE JURY ADMINISTRATOR: Juror number 43,  
3 Mr. Kiener, does not need to approach.

4 THE COURT: Mr. Kiener, could you follow the staff's  
5 instructions? We'll bring you back in in just a minute. Thank  
6 you.

7 CASE MANAGER NEGRON: Juror's qualified.

8 THE JURY ADMINISTRATOR: Juror number 45, Ms. Noto,  
9 would like to approach.

10 THE COURT: All right. Come on up, ma'am. Put a  
11 headset on and stand in front of that microphone and just  
12 whisper.

13 AT SIDEBAR

14 THE COURT: So you have an issue you want to take up  
15 with me?

16 THE JUROR: I participated on a jury two years ago.

17 THE COURT: Oh, what kind of case was it?

18 THE JUROR: It was a hit-and-run.

19 THE COURT: In -- was it a criminal case?

20 THE JUROR: I believe it was just a civil case.

21 THE COURT: Okay.

22 THE JUROR: It was in Merrimack County.

23 THE COURT: All right. Were you being asked to  
24 award damages or to find somebody guilty or not guilty?

25 THE JUROR: Find someone guilty or not guilty.

1           THE COURT: I see. And can you tell me what the  
2 result of the case was?

3           THE JUROR: He was found not guilty.

4           THE COURT: Not guilty.

5           THE JUROR: Correct.

6           THE COURT: All right. So if you were picked as a  
7 juror in this case, you'd have to follow my instructions on the  
8 law, not anything you heard in that other case. Are you  
9 confident you could do that?

10          THE JUROR: Yes, sir.

11          THE COURT: Is there anything else that you wanted  
12 to take up with me?

13          THE JUROR: No, sir.

14          THE COURT: Are you confident you could be fair and  
15 impartial to both sides in this case?

16          THE JUROR: Yes, sir.

17          THE COURT: All right. Could you take the headset  
18 off for a second?

19          THE JUROR: Yup.

20          THE COURT: I propose to find the juror qualified.  
21 Any objection?

22          MR. LEVIN: No objection.

23          MR. DAVIS: No.

24          THE COURT: Thank you, ma'am. You're qualified.  
25 You can follow the instructions and they'll tell you where to

1 go.

2 CONCLUSION OF SIDEBAR

3 THE JURY ADMINISTRATOR: Juror number 46, Donna  
4 Bettez, does not need to approach.

5 THE COURT: Thank you, ma'am. Could you follow the  
6 instructions of the staff and we'll go from there.

7 CASE MANAGER NEGRON: Juror's qualified.

8 THE JURY ADMINISTRATOR: Juror number 47,  
9 Mr. Benevento, would like to approach.

10 THE COURT: Sir, could you come up and take a  
11 headset and stand in front of that mic? And just a whisper  
12 should be fine.

13 AT SIDEBAR

14 THE COURT: Good morning, sir.

15 THE JUROR: Hello. Is that --

16 THE COURT: Just a whisper.

17 THE JUROR: Is this okay?

18 THE COURT: Yeah. Good.

19 THE JUROR: You asked if anybody testified in a  
20 criminal trial.

21 THE COURT: Yes.

22 THE JUROR: I testified in a Massachusetts state  
23 superior court trial for the prosecution.

24 THE COURT: I see. And can you tell me a little  
25 about the case?

1 THE JUROR: Sure. I am a finance director for a  
2 city and it had to do with misappropriation of city resources.

3 THE COURT: I see. And so you were knowledgeable  
4 about the resources that were misappropriated?

5 THE JUROR: Correct.

6 THE COURT: Did you have any experience in that --  
7 as a witness that could affect your thinking as a juror in this  
8 case?

9 THE JUROR: I don't think it has any impact on this  
10 case.

11 THE COURT: And that's the answer I'm looking for;  
12 it has nothing to do with this case. You'd have to make your  
13 decision --

14 THE JUROR: Nothing.

15 THE COURT: All right. So --

16 THE JUROR: I just wanted to bring it up.

17 THE COURT: And I'm glad that you did.

18 THE JUROR: Okay.

19 THE COURT: Is there anything else we need to talk  
20 about?

21 THE JUROR: Well, being an unbiased juror would be a  
22 little difficult.

23 THE COURT: Well, tell me about that.

24 THE JUROR: Okay. Based on what you told us, and I  
25 know you didn't purposely mean to do it, but I would have a

1 hard time being unbiased.

2 THE COURT: And what --

3 THE JUROR: Against the witness.

4 THE COURT: You -- you would be -- well, tell me.

5 THE JUROR: Uh-huh.

6 THE COURT: You think he might be guilty --

7 THE JUROR: Correct.

8 THE COURT: -- or -- okay. I understand.

9 THE JUROR: That's --

10 THE COURT: I -- I get it.

11 THE JUROR: Uh-huh.

12 THE COURT: I get it. Could you take the headset  
13 off for a second?

14 THE JUROR: Sure.

15 THE COURT: I propose to excuse the witness.

16 MR. DAVIS: I would ask -- I would ask that the  
17 Court ask whether he's instructed appropriately whether he'd  
18 retain that bias; does he have a doubt about whether he could  
19 put the bias aside.

20 THE COURT: I might not ask it exactly that way, but  
21 I can do a little bit more follow-up.

22 MR. DAVIS: Thank you.

23 THE COURT: Mr. Levin, is there anything else that  
24 you want me to cover on this?

25 MR. LEVIN: No, your Honor.

1           THE COURT: All right. Could you put the headset  
2 back on for a second?

3           So what we're trying to figure out here with  
4 potential jurors is not whether you like or don't like what  
5 somebody says or what they believe, because we all have our  
6 views about --

7           THE JUROR: Uh-huh.

8           THE COURT: -- what we believe.

9           THE JUROR: Uh-huh.

10          THE COURT: The -- the important issue here is what  
11 this defendant believes --

12          THE JUROR: Uh-huh.

13          THE COURT: -- about white nationalism doesn't tell  
14 us anything useful about whether he's guilty or not guilty, but  
15 yet some people might feel so strongly about the beliefs that a  
16 defendant has that it could affect their thinking and prevent  
17 them from being fair and impartial.

18          Are you telling me that you have that kind of  
19 concern?

20          THE JUROR: Yes.

21          THE COURT: Okay. And are you worried that even if  
22 I told you that you couldn't -- excuse me. I'm sorry.

23          Even if I told you that you couldn't consider that  
24 fact, his views on white nationalism, you're afraid it would  
25 spill over and affect your thinking.

1           THE JUROR: I know -- I know that I want to say it  
2     won't affect me --

3           THE COURT: Yeah.

4           THE JUROR: -- and I would like to believe that,  
5     but --

6           THE COURT: But you have some --

7           THE JUROR: I'm trying to be honest. That's all.

8           THE COURT: Yeah. I appreciate that. Sometimes the  
9     very best jurors are people that are willing to question  
10    themselves. On the other hand, when people have such strong  
11    views on a subject, it could affect their thinking. So I  
12    appreciate your views.

13          THE JUROR: Uh-huh.

14          THE COURT: I think you would do your very best, but  
15    given your expressed doubts, I think it's better that I bring  
16    another juror in to take your place. So I will excuse you from  
17    having to sit. Thank you, sir.

18          THE JUROR: Okay.

19                   CONCLUSION OF SIDEBAR

20          CASE MANAGER NEGRON: Juror's excused.

21          THE JURY ADMINISTRATOR: Juror number 48,  
22    Mr. Shepard, would like to approach.

23          THE COURT: All right. Come on up, Mr. Shepherd.

24                   AT SIDEBAR

25          THE COURT: All right, sir. You have a concern you

1 wanted to take up with me?

2 THE JUROR: Your Honor --

3 THE COURT: Just a whisper.

4 THE JUROR: Your Honor, to start things off, I have  
5 two issues.

6 THE COURT: Okay.

7 THE JUROR: My occupation requires me to travel very  
8 frequently on a weekly basis, so that may be a concern. And,  
9 secondly, the white nationalist mindset that the defendant has  
10 kind of conflicts with --

11 THE COURT: All right. Let me talk about your job  
12 first.

13 Do you travel outside the state?

14 THE JUROR: Yes, all throughout New England.

15 THE COURT: I see. And have you been -- and between  
16 now and the time of the start of the jury, will you be  
17 traveling again outside of the state?

18 THE JUROR: Yes.

19 THE COURT: I see. And you're telling me that the  
20 defendant -- to the extent the defendant -- the evidence  
21 suggests the defendant holds white nationalist views, you're  
22 afraid that would bias you against him; is that right?

23 THE JUROR: There's prejudices that come to mind,  
24 yes.

25 THE COURT: Yeah. So I've explained that those



1 prejudices couldn't play any role in your thinking and I know  
2 you would try to follow my instruction, but are you concerned  
3 that you might not be able to?

4 THE JUROR: There is a chance.

5 THE COURT: Yeah. Okay. All right. Well, I do  
6 think the travel outside the state between now and trial raises  
7 the risk to the rest of the jury and I want to be careful about  
8 that.

9 I'm also concerned about -- I know you would do your  
10 best, but when someone tells me even if the judge tells me that  
11 I can't consider that, I'm still afraid that it might affect my  
12 thinking, I think it's -- we're better off excusing you. So  
13 each of those reasons, in my mind, justifies excusing you and I  
14 will excuse you from having to sit.

15 THE JUROR: Appreciate it.

16 CONCLUSION OF SIDEBAR

17 CASE MANAGER NEGRON: Juror's excused.

18 THE JURY ADMINISTRATOR: Juror number 49, Mr. Gage,  
19 would like to approach.

20 THE COURT: Come on up, sir. Put a headset on and  
21 just whisper in front of that microphone there. You don't even  
22 have to get up too close.

23 AT SIDEBAR

24 THE COURT: Good morning, sir. You needed to speak  
25 with me?

1 THE JUROR: Yeah, I just had a question.

2 THE COURT: You don't even need to lean in. You can  
3 stand back and whisper.

4 THE JUROR: All right.

5 THE COURT: Just whisper.

6 THE JUROR: I just had a question about law  
7 enforcement.

8 THE COURT: Yes, sir.

9 THE JUROR: Three of my friends work for the police  
10 department, but they're all retired; I have -- their three sons  
11 are working for the police department; and one of my friends  
12 works for the Attorney General, I guess --

13 THE COURT: Okay.

14 THE JUROR: -- doing witness things or something.

15 THE COURT: So these are friends --

16 THE JUROR: Yes.

17 THE COURT: -- and sons of friends?

18 THE JUROR: Right.

19 THE COURT: All right. Now, there will be  
20 government agents that are likely to testify in this case. Do  
21 you think because of those connections you're more likely to  
22 believe the law enforcement witnesses just because they're law  
23 enforcement witnesses?

24 THE JUROR: No, sir.

25 THE COURT: So law enforcement people are like

1 anybody else. There are some that are honest and some that are  
2 dishonest; there are some that are accurate and some that are  
3 less accurate. You have to make a decision about whether to  
4 credit a witness's testimony based on all of the relevant  
5 information -- what the witness says, how it fits with other  
6 evidence in the case -- and you couldn't believe or disbelieve  
7 somebody just because they have a law enforcement background.

8 Would you be able to follow that instruction?

9 THE JUROR: Absolutely.

10 THE COURT: And are you confident you could be fair  
11 to both sides in this case?

12 THE JUROR: Yes, sir.

13 THE COURT: Is there anything else you wanted to  
14 take up with me?

15 THE JUROR: No, sir.

16 THE COURT: All right. Could you take the headset  
17 off for just a second?

18 I propose to find the witness qualified. Any  
19 objection?

20 MR. DAVIS: No.

21 MR. LEVIN: No.

22 THE COURT: All right. Thank you, sir. You're  
23 qualified. Follow instructions. We'll bring you back in in a  
24 minute.

25 THE JUROR: Thank you.

1 CONCLUSION OF SIDEBAR

2 THE JURY ADMINISTRATOR: Juror number 50, Mr. Coady,  
3 does not need to approach.

4 THE COURT: Mr. Coady, could you follow  
5 instructions? Thank you, sir. We'll bring you back in in just  
6 a minute.

7 CASE MANAGER NEGRON: Juror's qualified.

8 THE JURY ADMINISTRATOR: Juror number 51,  
9 Mr. Beyrand, does not need to approach.

10 THE COURT: Sir, could you follow the instructions  
11 of the staff? We'll bring you back in in just a minute.

12 CASE MANAGER NEGRON: Juror's qualified.

13 THE COURT: Thank you.

14 THE JURY ADMINISTRATOR: Juror number 52, Ms. Mann,  
15 would like to approach.

16 THE COURT: Come on up, Mr. Mann. Please put a  
17 headset on and just point yourself in front of that microphone  
18 and just whisper. We'll catch everything.

19 AT SIDEBAR

20 THE COURT: Good morning, ma'am. Can you hear me  
21 okay?

22 THE JUROR: Yeah.

23 THE COURT: Okay. Just whisper. We'll be fine.  
24 What concern did you want to take up with me?

25 THE JUROR: I worked with the Department of

1 Corrections of the state of New Hampshire for 15 years.

2 THE COURT: Are you still there or did you --

3 THE JUROR: No, I'm retired.

4 THE COURT: I see. And what did you do there?

5 THE JUROR: I was a clinical social worker.

6 THE COURT: Ah. How, if at all, would that affect  
7 your ability to serve as a juror in this case?

8 THE JUROR: It wouldn't.

9 THE COURT: Are you -- do you have any feelings of  
10 allegiance to law enforcement because you worked in the  
11 Department of Corrections?

12 THE JUROR: No.

13 THE COURT: Are you more likely to believe a law  
14 enforcement witness just because they're a law enforcement  
15 witness?

16 THE JUROR: No.

17 THE COURT: Are you confident that you could be fair  
18 to both sides in this case?

19 THE JUROR: Absolutely.

20 THE COURT: And do you hold any views about white  
21 nationalism --

22 THE JUROR: No.

23 THE COURT: -- that are so strongly held that they  
24 could spill over and affect your thinking?

25 THE JUROR: No.

1 THE COURT: All right. Could you take the headset  
2 on for a second?

3 I propose to find the witness qualified. Any  
4 objection?

5 MR. DAVIS: No.

6 MR. LEVIN: No objection.

7 THE COURT: Thank you, ma'am. You are qualified and  
8 if you'll follow instructions, we'll go from there. Okay.

9 CONCLUSION OF SIDEBAR

10 THE JURY ADMINISTRATOR: Juror number 53, Ms. Kelly,  
11 does not need to approach.

12 THE COURT: Thank you, Ms. Kelly. If you could  
13 follow the staff's guidance, we'll bring you back in in a  
14 minute.

15 THE JURY ADMINISTRATOR: Juror number 55,  
16 Mr. Berard, would like to approach.

17 THE COURT: Come on up, Mr. Berard. Put a headset  
18 on and point yourself in front of that microphone and just  
19 whisper.

20 AT SIDEBAR

21 THE COURT: Sir, do you have something you want to  
22 discuss with me? And you can just whisper.

23 THE JUROR: Yeah. It's pretty long. So you read  
24 off a bunch of questions. I have some answers. I may have  
25 misheard the question.

1 THE COURT: That's okay.

2 THE JUROR: Have you served on a jury already.

3 THE COURT: Yes.

4 THE JUROR: I was on a jury in Fremont five years  
5 ago.

6 THE COURT: Was it a criminal or civil case?

7 THE JUROR: It was criminal. Road rage.

8 THE COURT: Road rage? And do you know what the  
9 jury's verdict was?

10 THE JUROR: I think we found him guilty on three  
11 counts and innocent on two.

12 THE COURT: Okay.

13 THE JUROR: I was actually the foreman.

14 THE COURT: All right. What else?

15 THE JUROR: Was there a question about if you've  
16 been personally charged in a court of law?

17 THE COURT: Yeah. And I'm sorry to inquire of this  
18 kind of stuff, but --

19 THE JUROR: Yeah, that's fine.

20 THE COURT: -- what can you tell me?

21 THE JUROR: I was charged with operating under the  
22 influence on an ATV about three years ago.

23 THE COURT: And how did it end up?

24 THE JUROR: I pled it down to reckless driving.

25 THE COURT: Okay. Do you feel that you were

1 mistreated by law enforcement in any way there?

2 THE JUROR: In that case, somewhat, because I went  
3 to the police department the next day and asked for the police  
4 report. The chief of police said it wouldn't be ready and he  
5 said not only was he the chief of the police, he was also the  
6 prosecutor for the town, which I'm like, okay, so at that point  
7 you never lose a case, right?

8 THE COURT: Yeah. So let me ask you this. Does  
9 that experience -- will it spill over and affect your thinking  
10 in this case in any way?

11 THE JUROR: I mean, only that I -- I don't  
12 necessarily believe what, you know, the police were putting in  
13 their police reports, you know. So in that regard -- I mean, I  
14 can -- you can put it aside as much as you can, but --

15 THE COURT: Well, so let me -- let me deal with it  
16 in this way with you.

17 Police officers are like anybody else.

18 THE JUROR: Uh-huh.

19 THE COURT: Some are honest, some are careful, some  
20 are dishonest, some are not careful.

21 THE JUROR: Yes.

22 THE COURT: Sometimes they get things right,  
23 sometimes they get things wrong.

24 What I'm trying to figure out is whether you have  
25 any views about police in general that are so strongly held



1     that they could spill over and make you think, like in this  
2     case --

3                 THE JUROR:   Okay.   No.

4                 THE COURT:   -- to -- do you think it could cause you  
5     to not credit a police -- a law enforcement agent's testimony  
6     in this case because of what happened in your case?

7                 THE JUROR:   No.   I would say what you said is how I  
8     feel.

9                 THE COURT:   Okay.

10                THE JUROR:   Some are honest, some are dishonest.

11                THE COURT:   And you have to listen to what they say  
12     and put it in the context of the entire case to decide who to  
13     believe and who not to believe.   Is that what you're thinking?

14                THE JUROR:   Yes.

15                THE COURT:   Okay.   Good.   What else did you want to  
16     talk to me --

17                THE JUROR:   My father-in-law was law enforcement for  
18     like 35 years.

19                THE COURT:   Okay.

20                THE JUROR:   I think that was a question.

21                THE COURT:   Yeah.

22                THE JUROR:   And, actually, that was all of them.

23                THE COURT:   Okay.   Let me ask you the kind of  
24     ultimate question here.   And only -- you know this better than  
25     anybody else.

1           If you were picked as a juror, are you confident you  
2   could be fair both to the government and to the defendant in  
3   this case?

4           THE JUROR: I mean, personally, I feel like anybody  
5   who's a member of alt-right is kind of loopy.

6           THE COURT: Okay. Yeah, I -- I understand, and many  
7   people hold that view. Other people have different views about  
8   it.

9           In this case, there will be testimony about a number  
10   of people, both victim and perhaps the defendant, who have had  
11   these kind of alt-right views. And what I'm really trying to  
12   figure out is can you set all that aside and look at what does  
13   the evidence show about what the defendant did, what does the  
14   evidence show about what his knowledge was when he did it, what  
15   does evidence show about the defendant's intention when he did,  
16   not does he have these views or not. Would you be able to set  
17   aside any general feelings about alt-right or are you concerned  
18   that it could spill over?

19          THE JUROR: No. I mean, to be honest with you, I'm  
20   going to be like this guy's pretty much an idiot.

21          THE COURT: Yeah. Okay.

22          THE JUROR: I'm sorry.

23          THE COURT: Yeah.

24          THE JUROR: It's just --

25          THE COURT: I -- look, I get it. People have strong

1 views on these issues and I appreciate you sharing them with  
2 them me and I think we'd probably be safer in having jurors  
3 that -- where people don't have that kind of strongly held view  
4 about it.

5 So I appreciate your willingness to serve and I --  
6 but I will find you -- that you should be excused. All right.

7 THE JUROR: Thank you.

8 THE COURT: So you're excused.

9 THE JUROR: Appreciate your time. Thank you.

10 CONCLUSION OF SIDEBAR

11 CASE MANAGER NEGRON: Juror's excused.

12 THE JURY ADMINISTRATOR: Juror number 56,  
13 Mr. Saglio, would like to approach.

14 THE COURT: Come on up, sir. Put a headset on,  
15 point yourself in front of that microphone and just whisper.  
16 We'll be good. You don't even have to lean in very close.

17 THE JUROR: Okay.

18 AT SIDEBAR

19 THE COURT: Yes, sir?

20 THE JUROR: Sorry, it's out. It's allergies.

21 THE COURT: All right. One of the questions was  
22 about are you a member of Black Lives Matter, things like that.  
23 None of the organizations you named, but my partner and I are  
24 both members of the ACLU and she served on the board of  
25 New Hampshire ACLU for a long time and the national board of

1 the ACLU.

2 THE COURT: I see. How do you think, if at all,  
3 that would affect your thinking as a juror in this case?

4 THE JUROR: I mean, I think I'd still be able to be  
5 fair and impartial.

6 THE COURT: Yeah. For example, I know the ACLU  
7 historically has been very supportive of freedom of speech,  
8 including freedom to express views that others might find  
9 repugnant like white nationalist views.

10 THE JUROR: Right.

11 THE COURT: Do you -- would -- what I'm trying to  
12 figure out is whether if there's evidence that the defendant  
13 holds white nationalist views or evidence that the victim holds  
14 white nationalist views, will that so affect your thinking that  
15 it will endanger your ability to be fair and impartial?  
16 let's -- you know better than anybody how you're going to react  
17 to this kind of evidence. What's your thinking?

18 THE JUROR: I don't -- I don't think it would. I  
19 mean, as personally distasteful as I find those ideologies, I  
20 don't -- fully understand that that doesn't make someone a  
21 criminal.

22 THE COURT: Yeah. So let me run a scenario by you  
23 and see what your reaction is.

24 Suppose at the end of this case you had come to the  
25 conclusion that the defendant had expressed white nationalist

1 views and those views were personally repugnant to you but you  
2 had a reasonable doubt about whether he committed the acts that  
3 are charged or you had a reasonable doubt about whether he  
4 acted with the intention that's required. Would you be able to  
5 find the defendant not guilty?

6 THE JUROR: Yes.

7 THE COURT: And let me also hypothesize the other  
8 side of that equation. If there's evidence in this case that  
9 the victim has white nationalist views and -- but the evidence  
10 convinces you beyond a reasonable doubt that the defendant  
11 committed every element of the offense, would you be able to  
12 find the defendant guilty?

13 THE JUROR: Yes.

14 THE COURT: All right. So what I hear from that is  
15 your basic view that you find white nationalism repugnant, but  
16 that you are committed to focusing on the evidence and you'll  
17 base your verdict on whether the government has proved beyond a  
18 reasonable doubt that the defendant committed the acts that  
19 he's charged with committing with the knowledge and/or  
20 intention that's required to commit those acts; is that right?

21 THE JUROR: Yes.

22 THE COURT: All right. Is there anything else you  
23 wanted to take up with me?

24 THE JUROR: (Shakes head.)

25 THE COURT: Could you take the headset off for a

1 second?

2 My inclination is to find the juror qualified. Does  
3 either party have any objection?

4 MR. DAVIS: No.

5 MR. LEVIN: No.

6 THE COURT: All right. Thank you, sir. You're  
7 qualified.

8 THE JUROR: All right.

9 THE COURT: You can follow instructions. We'll go  
10 from there.

11 CONCLUSION OF SIDEBAR

12 THE JURY ADMINISTRATOR: Juror number 57, Ms. Kelly,  
13 does not need to approach.

14 THE COURT: Thank you, ma'am. Could you follow --  
15 follow guidance of the staff.

16 THE JURY ADMINISTRATOR: And I believe that brings  
17 us to 36.

18 THE COURT: All right.

19 CASE MANAGER NEGRON: It does, your Honor.

20 All right. So it's my understanding we -- do we  
21 need anybody else? Okay.

22 So we have now selected a sufficient number of  
23 qualified jurors to allow the lawyers to exercise their  
24 peremptory challenges. I will leave it to the staff to decide  
25 what to do with the remaining jurors who are not needed today.

1           Those of you who are in the courtroom, I again want  
2 to thank everyone for their service here today. Even though  
3 you might not have had to be called into the courtroom, we  
4 needed you to be here because we can't predict how many people  
5 will be qualified or not qualified. So I know it was a  
6 sacrifice to be here. I want to thank you for your service and  
7 I want to ask the staff to deal with you and excuse you as soon  
8 as it's appropriate.

9           My understanding is the next step in this process is  
10 we need to bring back into the courtroom the qualified jurors  
11 and have the staff seat them and then the lawyers will be able  
12 to exercise their peremptory challenges.

13           And if we're ready to begin that process, we can go  
14 right ahead.

15           MR. LEVIN: Can we get a few minutes before we --

16           THE COURT: I need to understand the logistics. Let  
17 me ask Jen.

18           Jen --

19           CASE MANAGER NEGRON: Jen?

20           CASE MANAGER SACKOS: Yes.

21           THE COURT: He's asking can they have a couple --  
22 you want -- you're happy to sit in the courtroom?

23           MR. WOLPIN: Yeah.

24           THE COURT: Yes, you can take a few minutes, not an  
25 hour, but -- you know, try to move quickly, but the time that

1 you need to exercise your judgment. You aren't asking to leave  
2 the courtroom, just --

3 MR. WOLPIN: No.

4 THE COURT: Good. Thanks. They can bring the jury  
5 in. Everybody can come in. They just want the time to look  
6 the jurors in the eye and talk to each other about their --

7 CASE MANAGER SACKOS: Okay.

8 THE COURT: All right. We've seated everybody?

9 DEPUTY CLERK UHRIN: Yes.

10 THE COURT: All right. So as you can see, members  
11 of the jury panel, the logistics of this operation are really a  
12 thing to behold. I think I ought to let the staff go work at  
13 Disney World as people movers, they have everybody so well  
14 organized.

15 We're almost done with this process and I'd ask your  
16 patience. The lawyers are going to exercise their peremptory  
17 challenges, so that'll take place now while you're seated.  
18 They just need to be able to put the name and the face  
19 together. No more questioning of anybody or anything like  
20 that.

21 So if you'd just wait patiently for a few minutes,  
22 when the lawyers are ready, when they're able to exercise their  
23 peremptories, they'll go up to the clerk's bench, do that  
24 entirely with the clerk. We will then excuse jurors, their  
25 names will be read out, and those people will be asked to leave



1 with the -- to follow the staff's direction.

2 Those who remain will be on the jury and I will give  
3 those who are selected some brief instructions and then they'll  
4 be taken to another courtroom for some additional instructions  
5 from the staff and at that point you'll be free to go for the  
6 day and we'll start up with the trial on Tuesday morning.  
7 Right, Tuesday?

8 CASE MANAGER NEGRON: Tuesday.

9 THE COURT: Tuesday morning at nine o'clock.

10 So please be patient for just a few more minutes and  
11 we're almost done.

12 MR. LEVIN: We're ready, your Honor.

13 THE COURT: You're ready?

14 Is the government ready? If you need more time,  
15 Mr. Davis, you can do that.

16 MR. DAVIS: If I could have a few more minutes,  
17 Judge.

18 THE COURT: Yeah. I understand.

19 While you're waiting, I've been doing this for  
20 28 years. This is obviously a very different kind of process  
21 than what I'm used to. This is the first trial I've had since  
22 the pandemic.

23 And I have to say as largely an observer, I'm  
24 incredibly impressed with the way the staff has -- has managed  
25 this. It's -- everything's -- every step has been thought

1 through with the idea of keeping you all as safe as possible  
2 while still conducting a trial.

3 Those of you who are chosen will see when we bring  
4 you into the trial, the trial courtroom, special precautions  
5 have been taken there; we have Plexiglas up so that if people  
6 are close -- they don't get -- like my court reporter doesn't  
7 have to be closer than is necessary.

8 People -- when you -- before you were seated in  
9 these seats, while the proceeding is going on, somebody came in  
10 to sanitize the seats so that nobody has to sit in a seat where  
11 there's been -- somebody else has been sitting without being  
12 sanitized. And we will continue to take all of those  
13 precautions while still conducting a fair trial, fair trial for  
14 the government and fair for the defendant. And it's really  
15 quite an accomplishment for the staff to have been able to put  
16 this together in this way. I'm very, very impressed.

17 MR. DAVIS: I'm ready, Judge.

18 THE COURT: You're ready? All right. Counsel can  
19 approach. You can approach the clerk's bench when you're  
20 ready.

21 THE COURT: Stay -- they have to stay separated,  
22 Vinny.

23 CASE MANAGER SACKOS: They stay separated, but they  
24 do -- they both stay up here.

25 THE COURT: Okay. So, counsel, just approach the

1 clerk's bench, but remain socially distanced, remaining six  
2 feet apart.

3 CASE MANAGER NEGRON: Just point to the card.

4 THE COURT: So, Mr. Davis, you can actually come up  
5 so you can see the card that you'd be pointing to. And,  
6 counsel, you can come up as well. Just stand -- Mr. Davis,  
7 stand a little over -- yeah, there we go, stand back there.  
8 All right. And, defense counsel, stand where you can see the  
9 cards.

10 (Peremptory challenges exercised.)

11 CASE MANAGER NEGRON: The following jurors are  
12 excused from this case and may leave the courtroom when  
13 directed. When I call your name, please stand.

14 Nancy Placy; Robert Beyrand, please stand; Carly  
15 Salvagno; Sarah Fleck; Donna Moses; Donna Bettez; Tara Clanin;  
16 Angela Noto; Meg Bressette; Ernest Miner; John Bonnin, Darnela  
17 Kenton; Ronald Pillsbury Jr.; Paul Heinrich Kiener; Melissa  
18 Minery; Theodore Barboza Jr; Judith Mann; Sabrina Barth; I'm  
19 just going to say the last name, Patel; and Frank Saglio.

20 They can be excused.

21 THE COURT: All right. So those of you who are  
22 standing, if you'll head out to the back of the courtroom, the  
23 jury administrators will tell you where to go from there. And,  
24 again, thank you for your service, folks. Really appreciate  
25 it.

1                   What are you going to --

2                   CASE MANAGER SACKOS: He's going to name the panel  
3 now.

4                   THE COURT: Are you going to seat them or are  
5 they --

6                   CASE MANAGER SACKOS: No, they just need to stand  
7 up.

8                   THE COURT: Good.

9                   So we're going to name the -- we're going to read  
10 the names of the jurors and you'll stand up and then you'll sit  
11 back down and I'll give you some basic instruction. And then  
12 we're going to bring you into the actual trial courtroom where  
13 the -- the case managers can give you some final instructions  
14 and then you'll be on your way. Okay?

15                  CASE MANAGER NEGRON: The panel will consist of the  
16 following jurors: Juror number 1, Jane King.

17                  THE COURT: Please stand when your name's called.

18                  CASE MANAGER NEGRON: Thank you.

19                  THE COURT: Juror number 2, Paula Higgins; juror  
20 number 3, Lynn Fillion.

21                  THE COURT: And you can be seated once you're  
22 seated.

23                  CASE MANAGER NEGRON: Juror number 4, Jason Vachon;  
24 juror number 5, James Fisher; juror number 6, Ackerley Men;  
25 juror number 7, Sherene Pinette; juror number 8, Hannah Coffey;

1 juror number 9, Mohan Munuswamy; juror number 10, Lori Wrigley;  
2 juror number 11, Sandra Bristol; juror number 12, Richard  
3 Watterson; juror number 13, William Gage; juror number 14,  
4 Matthew Coady; juror number 15, Aine Kelly; and juror number  
5 16, Jean Kelly.

6 That's the panel, your Honor.

7 THE COURT: All right. So let me just give you some  
8 basic instructions that I'd like you to keep in mind during  
9 this trial.

10 First of all, it's really important to remember here  
11 that the verdict that you reach in this case will have to be  
12 based on the evidence you receive at the trial. You've  
13 received no evidence yet, so you know nothing that can tell you  
14 anything about the guilt or innocence of the defendant. A  
15 charge has been brought, but a charge is merely a means of  
16 bringing a defendant to trial. It's not evidence of the  
17 defendant's guilt. Remember, the defendant's entitled to the  
18 presumption of innocence. He remains innocent until and unless  
19 the government introduces proof at the trial that convinces you  
20 beyond a reasonable doubt that he's guilty.

21 So you don't know anything yet about the case. You  
22 know the defendant is entitled to the presumption of innocence.  
23 You know that you'll have to base your verdict only on what  
24 happens here in the courtroom. So do not go out and try to do  
25 any investigation between now and the time of the trial or

1 during the trial.

2 Don't expose yourself to any discussions of the case  
3 in the media. Don't try to read anything about the case,  
4 listen to anything about the case. Don't go on to the Internet  
5 and try to do research about the case. I will make sure that  
6 you get everything you need to decide this case in this  
7 courtroom. Okay?

8 Keep an open mind. You don't know anything about  
9 the case yet. And even after you start to hear the evidence,  
10 you have to keep an open mind until you've heard everything.  
11 So keep an open mind throughout the trial.

12 While you're serving as -- from now until the end of  
13 the trial, I'm instructing you to refrain from any posting on  
14 social media about your work on the jury. All right? Don't go  
15 on Twitter, Facebook, and say anything about the case. Jurors  
16 have gotten in trouble when they've, in the middle of trial,  
17 started tweeting about what they were doing and thinking and so  
18 forth. So you need to refrain from doing any of that, and you  
19 need refrain from discussing the case with other people. Your  
20 family's going to be very interested; what happened, what was  
21 it like. What you can say is the judge told me one thing and  
22 that was I can't discuss the case with you. I can tell you  
23 it's a criminal case, we're going to start on Tuesday, we're  
24 going to finish by the date I told you, when it's all over, I  
25 can tell you all about it, until then I can't really talk to

1 you about it. All right?

2           There's a real temptation with your spouse or  
3 something to say, oh, we heard some really interesting evidence  
4 today. Just -- and they'll be asking you about it. Just tell  
5 them, I really can't talk to you about it. Okay?

6           Even with the other jurors when you're meeting  
7 together and having lunch while the case is going on. It's  
8 fine to talk about something funny that happens in the court  
9 that day or something, but don't go in and try to deliberate  
10 because everybody needs to deliberate together as a group and  
11 you can only do that after you've heard all the evidence in the  
12 case. All right?

13           You also don't know anything about the law because  
14 I'll give you that instruction at the end of the case. I'll  
15 give you all the law that you need. But you don't know  
16 anything about that yet and I don't want you to go out and  
17 discover anything about it.

18           I did once have a juror that -- he was very  
19 conscientious. He wanted to do the best job. So he went out  
20 on the Internet during the middle of the trial and started  
21 doing research on how to be a good juror. And he found things  
22 that were so useful, he thought, that he printed them out and  
23 brought them in the jury deliberation and gave them to all the  
24 other jurors.

25           Well, we need to have a record of everything you see

1 and everything you're exposed to in the case. We can't have  
2 individuals going out and trying to do things on the Internet  
3 to figure out how to do their jobs. Okay? So really  
4 important; don't discuss the case with anybody, don't expose  
5 yourself to any discussions of the case in the media, keep an  
6 open mind.

7 And I would add one instruction to my usual  
8 instruction and that is please take care -- special care  
9 between now and the conclusion of the trial to minimize your  
10 exposure to others in ways that could cause you to become  
11 infected because we're all in this together; we all need to  
12 make efforts to protect each other. We're doing everything we  
13 can in the courthouse. Of course, if you should develop  
14 symptoms, you need to report that before you come into court.  
15 But between now and then, let's just take special care that we  
16 don't expose ourselves in ways that could put others at risk.  
17 All right?

18 And so those are my general instructions to you. On  
19 the first day of trial, I'll have more. I will commit to you  
20 that I will do everything possible to make this work  
21 efficiently and safely and to make it an enjoyable process for  
22 you. I really -- and I really will do my best, as the staff  
23 will do their best, to make this a good experience for you.

24 So with that said, I -- I will excuse you. The jury  
25 administrator will ask you to follow him into courtroom 2. Is



1 that where you're going?

2 CASE MANAGER SACKOS: I'm going to take them into  
3 the courtroom, your Honor.

4 THE COURT: Okay. So my -- my other administrator  
5 will take you into courtroom 4, give you some additional  
6 instructions, some contact information, and then we'll see you  
7 back here on Tuesday morning at nine o'clock and hopefully  
8 we'll be ready to go with the opening statements and evidence.  
9 All right?

10 So thanks again, folks, and we'll see you. And  
11 let's all stand for the jury as they leave the courtroom.

12 CASE MANAGER NEGRON: All rise.

13 (Remaining prospective jurors excused.)

14 CASE MANAGER NEGRON: Please be seated.

15 THE COURT: All right. So I'm going to suggest that  
16 we -- we book in telephone conferences on Thursday and Friday.  
17 If we don't need to on Friday, we can just cancel it, but  
18 anything that -- issues, motions in limine, quarantine  
19 protocols, anything that people need to talk about, we can talk  
20 about then. But I -- we've got a few minutes here where  
21 everybody's in the courtroom. If there are any things on your  
22 agenda that you'd like to take up with me now, I'm happy to try  
23 to respond now.

24 I know the government has submitted a proposal for  
25 its quarantining of witnesses that is a slight modification of

1 what we have agreed to. I haven't had a chance to study it in  
2 detail. I -- I am -- my only concern is with the witnesses who  
3 are going to fly here on relatively short notice, stay here for  
4 a relatively brief period of time, and leave. I still want to  
5 mull that one through and probably have a position for you  
6 on -- tomorrow. The other proposals don't seem to me to be  
7 problematic. But if there's anything more you wanted to say  
8 about that now -- I probably won't be able to give you an  
9 answer until tomorrow. I want to discuss it with a couple of  
10 my colleagues to make sure everybody's comfortable with it. It  
11 is a slight deviation from the protocol we agreed to.

12 But is there anything else you wanted to say about  
13 that issue?

14 MR. DAVIS: No, Judge. And we certainly agree that  
15 the flying witness is the most difficult one.

16 THE COURT: Yeah. I'll mull that over and talk to  
17 my colleagues and try to give you an answer tomorrow at  
18 tomorrow's telephone conference on how I want that -- I mean,  
19 if worse comes to worst, we make her fly here and stay  
20 sequestered for a few extra days and testify not as the first  
21 witness, but as one of -- you want her to testify as the first  
22 witness, right?

23 MR. DAVIS: Yes.

24 THE COURT: I -- I understand that. And if I feel I  
25 can do it safely, I'll try to accommodate you. I just need to

1 work through that.

2 MR. DAVIS: And if the Court has any questions, your  
3 Honor, about her particular circumstances -- I believe she  
4 works from home now. She is a state employee. As indicated,  
5 she was tested at the end of August and was negative and will  
6 be tested again on Thursday.

7 THE COURT: Yeah. Yeah. And -- in truth, my  
8 knowledge about airline travel is the time in the plane, if  
9 it's not an overcrowded plane, is not a high-risk event.  
10 There's opportunities in the terminal if it's crowded to be  
11 with people; if the air filtration system is not turned on in  
12 the plane while it's sitting there waiting, that can create  
13 problems, but the air circulation on airplanes while their  
14 circulation system is running is incredibly effective. So if  
15 the plane isn't overcrowded, that event should not be  
16 particularly problematic. If she is working from home and  
17 hasn't been going out, maybe we can make an individualized case  
18 for it. I'll mull that over and let you know as soon as I can.

19 Is there anything else the government wanted to take  
20 up with me now while the parties are here? We'll set up --  
21 I'll ask my clerk to schedule a telephone conference for  
22 Thursday. I'm going to complete my vacation tomorrow and maybe  
23 come back maybe Thursday or Friday and I'll be around.

24 MR. DAVIS: Just a question, Judge. Are we arguing  
25 the pending motions in limine on Friday, on the 18th? I

1 thought that was the plan, but maybe --

2 THE COURT: Yeah. I mean, we can -- we can book  
3 time. Do we have a hearing set on that or how --

4 MR. DAVIS: I thought we had one on Friday, but --

5 THE COURT: For Friday?

6 CASE MANAGER NEGRON: I don't have the calendar  
7 here, but --

8 THE COURT: Well, we can put together -- if you want  
9 to do it as an argument with -- on Zoom so the defendant can  
10 watch it, that I guess is sensible. So let's plan to do that  
11 as a hearing on Friday on Zoom, but let's do a Thursday  
12 telephone conference because there may be some incidental  
13 matters that we need to take up.

14 And -- yeah. But let's -- we'll talk about the  
15 motions in limine in a Zoom conference. I'm not guaranteeing  
16 that I'll make anything more than a tentative ruling, as I've  
17 explained to you my routine practice has been not to make  
18 definitive rulings on motions in limine unless it shapes the  
19 trial in some significant way.

20 But I -- I've already said I am going to -- I do  
21 intend to be sensitive to the defendant's -- the need to tell  
22 the full contextual story, so we need to be open about that.

23 I also am, of course, very -- I tend to allow fairly  
24 wide scope for cross-examination on any bias issues, so some of  
25 the -- the white nationalism stuff is going to come in for that

1 reason. On the other hand, I really believe what I said, that  
2 people's views about white nationalism shouldn't affect the  
3 outcome of the case and so I don't want to spend hours and  
4 hours on every -- everything that someone said that is a white  
5 nationalist would like and someone who's not would hate. It's  
6 got to be tied to the evidence in the case.

7 So I am sensitive to the defense and the need to  
8 attack someone for bias. On the other hand, it isn't an effort  
9 to try to bring in white nationalism or other views that people  
10 find offensive for the sake of offending people. That's how  
11 we're going to try to strike the balance on that.

12 Anything either of you, either side, anything from  
13 the defense, that you wanted to raise with me now?

14 MR. WOLPIN: I guess we've had some discussion back  
15 and forth about the CPS folks out of Missouri coming and that  
16 issue. I mean, I didn't in the front end, because I wasn't  
17 entirely sure what they were going to call them for, file a  
18 motion in limine to exclude. Maybe I should at this point. I  
19 mean, we're talking about dragging someone out here from  
20 Missouri for this to provide information that we don't -- we  
21 would assert is not relevant to begin with.

22 THE COURT: Can I stop you? And just refresh my  
23 memory. The government wants to introduce evidence that, in  
24 fact, calls for CPS and that would be the principal purpose for  
25 the testimony from that witness?

1           MR. DAVIS: So, Judge, the parties are stipulating  
2 about the taped call, so the call itself will be played. The  
3 purpose of the CPS witness is to explain what a call to the  
4 hotline --

5           THE COURT: What happens when someone calls the CPS?

6           MR. DAVIS: What the potential consequences are, how  
7 that can be handled. Because it gives context to the third  
8 part of the -- of the harassment in the case; that is, he  
9 actually makes a call and he's trying get a household  
10 investigated and potentially children removed or separated.

11          THE COURT: Right.

12          MR. DAVIS: So the fact that -- is isn't going to be  
13 a long witness and I don't think it's going to be disputed, but  
14 we -- that's the purpose of the CPS witness.

15          THE COURT: All right. So I take the defense as  
16 making an oral motion in limine to bar the CPS witness on Rule  
17 401 and 403 grounds. Your argument would be it's cumulative,  
18 unnecessary, potentially prejudicial, and I understand why you  
19 would make that argument. I'm not prepared to give you any  
20 view on it immediately because I want to go back and look at  
21 the charges here and refresh my understanding of the elements  
22 of the charges I intend to instruct on because that will inform  
23 my 401/403 analysis.

24                So I -- I get your argument. I understand it. I  
25 also understand the government's argument. And it's -- it

1 really comes down to a 403 thing because it seems to me that it  
2 is logically relevant and meets the 401 criteria. At what  
3 point does it become unduly prejudicial or a waste of time or  
4 cumulative or -- given the nature of the stipulation that the  
5 parties have that the call itself is going to come in.

6 So I understand that. I -- I'll talk to you more  
7 about it on Thursday. But you'll be -- you're deemed to have  
8 made an oral motion, so you're not surprising that --

9 MR. WOLPIN: That's -- I just didn't want it to  
10 be -- or sort of preserve at least or give the Court a little  
11 focus for that. Obviously we agree that the call is relevant,  
12 his actions being relevant. That's why we stipulated. So they  
13 didn't need to bring a witness to sort of lay a foundation for  
14 something we agreed was admissible.

15 Things that Mr. Cantwell wasn't informed about,  
16 about what they could or couldn't do, from a third party here,  
17 what we would have done or could have done --

18 THE COURT: Yeah.

19 MR. WOLPIN: -- is not relevant. It's beyond just  
20 prejudicial. It's not relevant. They could have gone X, Y,  
21 and Z. That's not the question. The question is what did  
22 Chris know and do at the time he did it, not what would they  
23 say their follow-up --

24 THE COURT: I think I get all of that. I just don't  
25 want to comment on it now because I think we have to go back

1 and actually look at the elements of the charge, particularly  
2 the cyberstalking charge, and I -- I think I -- after I look at  
3 those again and the instruction I propose to give, I think I  
4 will be better able to evaluate your argument that it's not  
5 even logically relevant. I know you have an argument that it  
6 is. I think I -- I'm usually pretty quick on the uptake on  
7 things, so I -- I'll get it and I'll give you a chance to be  
8 heard on it. I just -- until I look at that statute and I look  
9 at the instructions I proposed to give, I can't really give you  
10 more guidance on it now.

11 Yeah, just quickly.

12 MR. DAVIS: May I just have a word with counsel  
13 briefly?

14 THE COURT: Yeah.

15 MR. DAVIS: Judge, just also related to that, it's  
16 possible -- it's possible the parties will agree to two-way  
17 live video testimony for the CPS witness, again putting aside  
18 the motion in limine.

19 THE COURT: Yeah. If I rule it admissible --

20 MR. DAVIS: Right.

21 THE COURT: -- then that's something you can -- you  
22 can take up.

23 MR. DAVIS: Right.

24 THE COURT: I think what I -- I get it. I get it.

25 MR. DAVIS: Okay.



1 THE COURT: Thank you. All right.

2 Anything else anyone wants to raise with me now,  
3 knowing we'll have a chance to talk more on Thursday and we'll  
4 have a hearing on all motions in limine on Friday?

5 MR. WOLPIN: No.

6 THE COURT: I should have by Friday a pretty good  
7 idea of the instructions, so I at least should have some  
8 preliminary instructions for you before the trial starts.

9 All right. Well, look, I appreciate everybody's  
10 help and I -- I really thought everything worked well. The  
11 only thing I might rethink is the actual exercising of  
12 peremptories. You guys had to get a little closer to each  
13 other than I -- than I like and if you think about that and we  
14 go forward in future trials, any way to try to avoid that.  
15 Otherwise, I think everything worked well and we can -- you  
16 know, if you have thoughts about that, I might ask you on  
17 Thursday to tell me what you think.

18 All right. Anything else? Okay. Thanks. I'll  
19 talk to you on Thursday.

20 CASE MANAGER NEGRON: All rise.

21 (Proceedings concluded at 12:05 p.m.)  
22  
23  
24  
25

C E R T I F I C A T E

I, Liza W. Dubois, do hereby certify that  
the foregoing transcript is a true and accurate transcription  
of the within proceedings, to the best of my knowledge, skill,  
ability and belief.

Submitted: 5/12/21

/s/ Liza W. Dubois  
LIZA W. DUBOIS, RMR, CRR